

JOURNAL
OF
THE SENATE
OF THE
COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE CITY OF FRANKFORT, ON MONDAY, THE THIRD DAY OF NOVEMBER, IN THE YEAR OF OUR LORD, 1851, AND OF THE COMMONWEALTH, THE SIXTIETH.

FRANKFORT, KENTUCKY.
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THE SENATE

OF THE

COMMONWEALTH OF KENTUCKY

SENATE AND HOUSE OF REPRESENTATIVES OF THE COMMONWEALTH OF KENTUCKY, FIRST REGULAR SESSION, 1891, JANUARY 13, 1891.

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1891

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JOURNAL OF THE SENATE.

At a General Assembly, begun and held for the State of Kentucky, at the Capitol, in the city of Frankfort, on Monday, the third day of November, one thousand eight hundred and fifty-one, (that being the day fixed by the Constitution for the meeting of the General Assembly,) John B. Thompson, the Lieutenant Governor, appeared, and having taken the several oaths required by the Constitution of the United States, and the Constitution and laws of this State, took his seat as Speaker of the Senate, and the following members of the Senate appeared and took their seats, to-wit:

From the first Senatorial District, Richard D. Gholson; from the second, William Bradley; from the third, Henry G. Bibb; from the fourth, James W. Irwin; from the fifth, John G. McFarland; from the sixth, Thomas J. Smith; from the seventh, Preston H. Leslie; from the eighth, Samuel A. Spencer; from the ninth, Shelby Stone; from the tenth, Abram I. Caldwell; from the eleventh, Joseph S. Conn; from the twelfth, Eli Bozarth; from the thirteenth, William J. Berry; from the fourteenth, John C. Walker; from the fifteenth, William Preston; from the sixteenth, Isaac P. Miller; from the seventeenth, John J. Thomasson; from the eighteenth, Martin D. McHenry; from the nineteenth, Benjamin Hardin; from the twentieth, Thomas J. Blincoe; from the twenty-first, William A. Hooe; from the twenty-second, Ira Ellis; from the twenty-fourth, Reuben Munday; from the twenty-fifth, Radford M. Cobb; from the twenty-sixth, Lewis L. Mason; from the twenty-seventh, John A. Goodson; from the twenty-eighth, John Cunningham; from the twenty-ninth, James P. Orr; from the thirtieth, John Shawan; from the thirty-first, James F. Robinson; from the thirty-second, Thomas N. Lindsey; from the thirty-third, Sidney M. Barnes; from the thirty-fourth, John L. Elliott; from the thirty-fifth, Thompson S. Parks; from the thirty-sixth, John D. Taylor; and from the thirty-seventh, Wallace W. Brown.

Mr. Hardin nominated J. Russell Hawkins as a proper person to fill the office of Clerk of the Senate during the present session.

Mr. Cunningham nominated Theodore Kohlhas.

And upon taking the vote, it stood thus :

Those who voted for Mr. Hawkins, were

William J. Berry,	Ben. Hardin,	Thompson S. Parks,
Henry G. Bibb,	William A. Hooe,	William Preston,
Thomas J. Blincoe,	James W. Irwin,	James F. Robinson,
Eli Bozarth,	Thomas N. Lindsey,	Thomas J. Smith,
Abram I. Caldwell,	John G. McFarland,	Samuel A. Spencer,
Ira Ellis,	Isaac P. Miller,	Shelby Stone,
Richard D. Gholson,	James P. Orr,	John D. Taylor—22.
John A. Goodson,		

Those who voted for Mr. Kohlhas, were

Sidney M. Barnes,	John Cunningham,	Reuben Munday,
William Bradley,	John L. Elliott,	John Shawan,
Wallace W. Brown,	Preston H. Leslie,	John J. Thomasson,
Radford M. Cobb,	Lewis L. Mason,	John C. Walker—14.
Joseph S. Conn,	Martin D. McHenry,	

Mr. J. Russell Hawkins having received a majority of all the votes given, was declared duly elected Clerk of the Senate during the present session.

Whereupon, he took the oath required by the Constitution of this State.

Mr. Hooe nominated Mr. Thomas D. Tilford as a proper person to fill the office of Assistant Clerk of the Senate during the present session.

Mr. Hardin nominated Mr. Elisha S. Brown.

Mr. Ellis nominated Mr. Marcus M. Tyler.

And upon taking the vote, it stood thus:

Those who voted for Mr. Tilford, were

Wallace W. Brown,	Thomas N. Lindsey,	William Preston,
Abram I. Caldwell,	Lewis L. Mason,	James F. Robinson,
Radford M. Cobb,	Reuben Munday,	Samuel A. Spencer,
John A. Goodson,	James P. Orr,	Shelby Stone,
William A. Hooe,	Thompson S. Parks,	John D. Taylor—15.

Those who voted for Mr. Brown, were

Sidney M. Barnes,	Richard D. Gholson,	John Shawan,
Thomas J. Blincoe,	Ben. Hardin,	John J. Thomasson,
Eli Bozarth,	Martin D. McHenry,	John C. Walker—11.
John Cunningham,	Isaac P. Miller,	

Those who voted for Mr. Tyler, were

William J. Berry,	John L. Elliott,	Preston H. Leslie,
Henry G. Bibb,	Ira Ellis,	John G. McFarland,
William Bradley,	James W. Irwin,	Thomas J. Smith—10.
Joseph S. Conn,		

No one in nomination having received a majority of all the votes given, the Senate proceeded to take a second vote, which stood thus :

Those who voted for Mr. Tilford, were

Wallace W. Brown,	Thomas N. Lindsey,	William Preston,
Abram I. Caldwell,	Lewis L. Mason,	James F. Robinson,
Radford M. Cobb,	Reuben Munday,	Shelby Stone,
John A. Goodson,	James P. Orr,	John D. Taylor—14.
William A. Hooe,	Thompson S. Parks,	

Those who voted for Mr. Brown, were

Sidney M. Barnes,	Richard D. Gholson,	John Shawan,
Thomas J. Blincoe,	Ben. Hardin,	Samuel A. Spencer,
Eli Bozarth,	Martin D. McHenry,	John J. Thomasson,
John Cunningham,	Isaac P. Miller,	John C. Walker—12.

Those who voted for Mr. Tyler, were

William J. Berry,	John L. Elliott,	Preston H. Leslie,
Henry G. Bibb,	Ira Ellis,	John G. McFarland,
William Bradley,	James W. Irwin,	Thomas J. Smith—10.
Joseph S. Conn,		

Mr. Irwin moved the following resolution, viz :

Resolved, That after the third ballot, the candidate for Assistant Clerk who shall receive the smallest vote shall be dropped.

Which was adopted.

No one in nomination having received a majority of all the votes given, the Senate proceeded to take a third vote, which stood thus :

Those who voted for Mr. Tilford, were

Wallace W. Brown,	William A. Hooe,	Thompson S. Parks,
Abram I. Caldwell,	Thomas N. Lindsey,	William Preston,
Radford M. Cobb,	Lewis L. Mason,	James F. Robinson,
John L. Elliott,	Reuben Munday,	Shelby Stone,
John A. Goodson,	James P. Orr,	John D. Taylor—15.

Those who voted for Mr. Brown, were

Sidney M. Barnes,	Richard D. Gholson,	Isaac P. Miller,
William J. Berry,	Ben. Hardin,	John Shawhan,
Thomas J. Blincoe,	Preston H. Leslie,	Samuel A. Spencer,
Eli Bozarth,	John G. McFarland,	John J. Thomasson,
William Bradley,	Martin D. McHenry,	John C. Walker—16.
John Cunningham,		

Those who voted for Mr. Tyler, were

Henry G. Bibb,	Ira Ellis,	Thomas J. Smith—5.
Joseph S. Conn,	James W. Irwin,	

No one in nomination having received a majority of all the votes given, the Senate proceeded to take a fourth vote, which stood thus :

Those who voted for Mr. Tilford, were

Wallace W. Brown,	William A. Hooe,	Thompson S. Parks,
Abram I. Caldwell,	Thomas N. Lindsey,	William Preston,
Radford M. Cobb,	Lewis L. Mason,	James F. Robinson,

Joseph S. Conn,
John L. Elliott,
John A. Goodson,

Reuben Munday,
James P. Orr,

Shelby Stone,
John D. Taylor—16.

Those who voted for Mr. Brown, were

Sidney M. Barnes,
William J. Berry,
Henry G. Bibb,
Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
John Cunningham,

Ira Ellis,
Richard D. Gholson,
Ben. Hardin,
James W. Irwin,
Preston H. Leslie,
John G. McFarland,
Martin D. McHenry,

Isaac P. Miller,
John Shawan,
Thomas J. Smith,
Samuel A. Spencer,
John J. Thomasson,
John C. Walker—20.

Mr. Elisha S. Brown having received a majority of all the votes given, was declared duly elected Assistant Clerk of the Senate during the present session.

Whereupon, he took the oath required by the Constitution of this State.

Mr. John D. McClure was unanimously elected Sergeant-at-Arms of the Senate during the present session.

Whereupon, he took the oath required by the Constitution of this State.

Mr. Munday nominated Mr. Lewis Fenwick as a proper person to fill the office of Doorkeeper during the present session.

Mr. Irwin nominated Mr. Greenup Keene.

Mr. McHenry nominated Mr. John T. Norwood.

Mr. Spencer nominated Mr. Thomas J. Conn.

And upon taking the vote, it stood thus :

Those who voted for Mr. Fenwick, were

Abram I. Caldwell,
John Cunningham,

Thomas N. Lindsey,

Reuben Munday—4.

Those who voted for Mr. Keene, were

Sidney M. Barnes,
William J. Berry,
Henry G. Bibb,
Radford M. Cobb,
Joseph S. Conn,

Ira Ellis,
Ben. Hardin,
James W. Irwin,
William Preston,

James F. Robinson,
Shelby Stone,
John D. Taylor,
John C. Walker—13.

Those who voted for Mr. Norwood, were

Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Wallace W. Brown,
John L. Elliott,
Richard D. Gholson,

John A. Goodson,
William A. Hooe,
Lewis L. Mason,
John G. McFarland,
Martin D. McHenry,
Isaac P. Miller,

James P. Orr,
Thompson S. Parks,
John Shawan,
Thomas J. Smith,
Samuel A. Spencer,
John J. Thomasson—18.

For Mr. Conn—Preston H. Leslie—1.

No one in nomination having received a majority of all the votes given, the Senate proceeded to take a second vote, which stood thus:

Those who voted for Mr. Fenwick, were

Abram I. Caldwell, Thomas N. Lindsey, Reuben Munday—3.

Those who voted for Mr. Keene, were

Sidney M. Barnes, John Cunningham, James F. Robinson,
William J. Berry, Ira Ellis, Shelby Stone,
Henry G. Bibb, Ben. Hardin, John D. Taylor,
Radford M. Cobb, James W. Irwin, John C. Walker—14.
Joseph S. Conn, William Preston,

Those who voted for Mr. Norwood, were

Thomas J. Blincoe, William A. Hooe, James P. Orr,
Eli Bozarth, Preston H. Leslie, Thompson S. Parks,
William Bradley, Lewis L. Mason, John Shawan,
Wallace W. Brown, John G. McFarland, Thomas J. Smith,
John L. Elliott, Martin D. McHenry, Samuel A. Spencer,
Richard D. Gholson, Isaac P. Miller, John J. Thomasson—19.
John A. Goodson,

Mr. Norwood having received a majority of all the votes given, was declared duly elected Doorkeeper during the present session.

Mr. Hooe moved the following resolution, viz:

Resolved, That a message be sent to the House of Representatives to inform them that the Senate have met, elected their officers, and are now ready to proceed to legislative business.

Whereupon, Messrs. Hooe, Preston, and Robinson were appointed to bear said message.

Mr. Irwin moved the following resolution, viz:

Resolved, That a committee of three be appointed to wait upon the Governor, in conjunction with such committee as may be appointed by the House of Representatives, to notify him that the Legislature is organized and ready to proceed to business, and to ascertain whether he has any communication to make to this body, and at what time it will suit his pleasure and convenience to make such communication.

Whereupon, Messrs. Irwin, Bradley, and Elliott were appointed to bear said message.

Mr. Hooe moved the following resolution, viz:

Resolved, That the rules which governed the deliberations of the Senate at its last session, be and they are hereby adopted for the government of this Senate, until otherwise altered or amended; and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Which was adopted.

Mr. Stone offered the following resolution, viz:

Resolved, That the Pastors of the different churches of Christians, in the city of Frankfort, be and they are hereby requested to open the Senate each morning during the present session, with prayer.

Which was adopted.

And then the Senate adjourned.

TUESDAY, NOVEMBER 4, 1851.

Messrs. Walker W. Haley and Thomas J. Percifull, members of the Senate, (the first from the 23d Senatorial District, and the latter from the 35th,) appeared and produced certificates of their election, and having taken the oath required by the Constitution of this State, took their seats.

Mr. Hardin moved the following resolution, viz :

Resolved, That a committee of five be appointed to prepare and report to the Senate, a bill laying off this State into ten Congressional Districts.

Mr. Irwin moved to strike out the word *five*, and insert in lieu thereof the word *ten*, and after the word *ten*, insert *one from each Congressional District*.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Said resolution, as amended, was then adopted.

Whereupon, Messrs. Hardin, Conn, Preston, Stone, Shawan, Leslie, Barnes, Elliott, Bozarth, and Orr, were appointed to prepare and report said bill.

Mr. McHenry moved the following resolution, viz :

Whereas, by the 12th section of the 2nd article of the Constitution, at the session of the General Assembly next after the first apportionment under the Constitution, the Senators are to be divided by lot, as equally as may be, into two classes—the seats of the first class to be vacated at the end of two years from the day of the election ; and those of the second class at the end of four years from the day of the election. Therefore,

Resolved, That the Clerk of the Senate do proceed to arrange thirty-eight slips, upon nineteen of which two years shall be written, and upon nineteen of which four years shall be written ; and he shall deposit the said slips or papers in a box, and hand the same, covered, to the President of the Senate, and as the roll of the Senate is called in alphabetical order, the President of the Senate shall draw, as each Senator's name is called, a slip from the box, and read the same aloud. And those who are drawn for shall serve two years or four years, as the slip drawn for them may designate.

Ordered, That the further consideration of said resolution be postponed, and made the special order of the day for to-morrow at 11 o'clock.

Mr. Bibb moved the following resolution, viz :

Resolved, That George G. Vest be admitted within the bar of the Senate, as reporter for the Commonwealth and Yeoman.

Which was adopted.

A message was received from the House of Representatives by Mr. Bullitt, announcing that the House had organized, and was ready to proceed to legislative business.

A message was received from the House of Representatives by Mr. Marshall, announcing that they had appointed a committee on their part to wait on the Governor, and inform him that the General Assembly had convened, and was now ready to receive any communication he might think proper to make.

The committee heretofore appointed on the part of the Senate retired, and after a short time returned, when Mr. Irwin reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he would make a communication in writing to each House in a few moments.

A message in writing was received from the Governor, by Mr. Meriwether, Secretary of State, which was read as follows :

Gentlemen of the Senate

and House of Representatives :

I congratulate you upon your assembling at the capitol. You have been chosen to legislate for a people whose government secures to them civil and religious liberty, and who are in the enjoyment of an almost unexampled degree of peace and prosperity. The Supreme Being has bountifully blessed us as a people, and it becomes us to be thankful for all the mercies and blessings He has bestowed upon us, and humbly to invoke at His hands a continuance of His favor.

In discharging the duty imposed upon me by the constitution, to inform you of the state of the commonwealth, and recommend for your consideration such measures as I may deem expedient, I rely with confidence upon your vigilance to supply any omission on my part; and assure you that I shall at all times be ready to co-operate with you in any measures which you may adopt calculated to promote the public welfare.

The last few years form an interesting and important period in our history. A constitution, having for its fundamental basis the principle that sovereignty in the state abides with the popular will, and that all political power belongs of right to the people, has been adopted, and the government peacefully and quietly organized under it. The duty of enacting the necessary laws to put it into operation devolved upon the last legislature, and, in the course of a long and laborious session, many statutes were passed, some of which are no doubt imperfect, and require amendment. You have witnessed their practical operation, and it will not be necessary for me to call your attention to them in detail.

During the last session, a difference, as you are aware, arose between my predecessor in office, on the one hand, and the superintendent of

public instruction and the legislature, on the other, upon the question of the liability of the sinking fund, under the provisions of the constitution, for the payment of the interest upon the bonds of the state held by the board of education. A bill was passed, directing the commissioners of the sinking fund to pay the interest, which was vetoed by the executive, and, after full consideration, the legislature again passed it by a large majority, the objections of the governor to the contrary notwithstanding, and it became a law. My predecessor, believing that the act was unconstitutional, refused to obey it. This was the posture of affairs when I entered upon the discharge of my official duties. Two semi-annual installments of the interest due the board of education remained unpaid.

As the question has heretofore undergone very thorough investigation, and elaborate discussion, I deem it unnecessary, at this time, to dwell upon it, farther than to state, that as the head of the executive department, and a member of the board of commissioners of the sinking fund, I felt constrained, by a conscientious conviction of duty, to differ from the views of my predecessor upon it, and to carry out in good faith the law, so far as the power vested in me, and the resources of the sinking fund would enable me. For this purpose I caused a full meeting of the board of commissioners of the sinking fund to be convened on the sixteenth of last month, before whom was laid a statement of the condition of the sinking fund, and I am happy to inform you that the board unanimously passed an order directing the auditor to draw his warrant upon the treasury in favor of the board of education, for the sum of \$67,013 50, the amount of the two installments of interest due upon the bonds before mentioned. This action on the part of the commissioners is regarded as a final settlement of this vexed question, and it is not doubted that the sinking fund will henceforth be held legally and constitutionally bound to meet all future installments of interest upon the education bonds. It was due to the people and to the great cause of education that this important question should be definitely settled, and I cannot withhold an expression of satisfaction at the result, which will secure in future the prompt payment of the interest arising upon the bonds set apart for the support of common schools.

Before proceeding to inquire into the condition of the sinking fund, I deem it my duty to inform you that my predecessor, with the sanction of the commissioners of the sinking fund, appropriated the sum of \$225,000 of the resources of the sinking fund, in the purchase of \$250,000 of bonds on the state, held by the bank of Kentucky, bearing an interest of five per cent. per annum, and having about fifteen years to run, before they became due, and in paying the sum of \$2,343 75 interest upon them. This transaction occurred on the 17th of May, 1851. It is not deemed necessary, at this time, to inquire into the policy of this investment. It has been

made and cannot be recalled; but it will account for the embarrassed condition of the sinking fund, as exhibited in the following statements of its condition, resources, and liabilities:

The actual and supposed receipts of the sinking fund, for the year ending the 1st day of January, 1852, including balance on hand at the close of the year 1850, the revenue transferable by the auditor from the revenue to the credit of the sinking fund, the dividends due from the banks, and the receipts from all other sources, are - - - - - \$ 592,416 47

The actual and supposed amount of disbursements during the same period, including repairs on rivers, payment of interest on state bonds held by individuals and corporations, and by the board of education, and all other expenses, - - - - - 615,025 31

Supposed deficit, January 1st, 1852, - - - - - \$ 22,608 84

Estimated disbursements of the sinking fund for the year ending January 1st, 1853, including interest upon state bonds held by individuals and corporations, and the board of education, and other expenses, - - - 317,013 50

Total, - - - - - \$ 339,622 34

Estimated receipts into the sinking fund for the year ending 1st of January, 1853, including revenue transferable by auditor to the credit of the sinking fund, the dividends due from banks, and receipts from all other sources, - - - - - 317,050 00

Supposed deficit, January 1st, 1853, - - - - - \$ 22,572 34

Estimated disbursements of the sinking fund for the year ending January 1st, 1854, including interest upon state bonds held by individuals and corporations, and by the board of education, and other expenses, - - - 317,013 50

Total, - - - - - \$ 339,585 84

Estimated receipts into the sinking fund for the year ending 1st of January, 1854, including revenue transferable by auditor to the credit of the sinking fund, dividends due from banks, and receipts from all other sources, - - - - - 318,200 00

Supposed deficit, January 1st, 1854, - - - - - \$ 21,385 84

If the liabilities against the treasury should not be increased, or the receipts diminished, the estimates of the auditor show a balance in the treasury on the 10th of October 1853, of the sum of \$110,480 00, all of which, except the sum of \$5,000 retained in the treasury, will be transferred to the sinking fund, as required by law, which will increase its re-

sources for the year ending January 1st, 1854, the sum of \$105,480 00. This sum would liquidate the supposed deficit in the sinking fund on that day, and leave a balance in it of \$84,094 16. It is apparent that after the sinking fund shall have recovered from its present temporary embarrassment, its resources will be amply sufficient to meet promptly the interest of the entire debt of the state. For a detailed account of the management, operations, and resources of this fund, you are referred to the reports of the auditor and commissioners of the sinking fund, which will in due time be laid before you.

I subjoin a statement of the public debt. In this statement is included the debt due to individuals and corporations, and that due to the board of education.

There is now due of the public debt	- - - -	\$ 445 00
Of bonds bearing 5 per cent. interest there will fall due		
in 14 years, the sum of	- - -	\$ 221,000 00
In 15 years, the sum of	- - -	100,000 00
In 20 years, the sum of	- - -	165,000 00
In 22 years, the sum of	- - -	100,000 00

Total amount of 5 per cent. bonds,	- - -	586,000 00
Of bonds bearing 6 per cent. interest there will fall due		
in 17 years, the sum of	- - -	\$ 1,250,000 00
In 19 years, the sum of	- - -	447,500 00
In 20 and 21 years, the sum of	- - -	1,738,000 00
In 23 years, the sum of	- - -	150,000 00
In 25 and 27 years, redeemable after 15		
years, at the pleasure of the state,	- - -	69,000 00
In 30 years, (Southern bank bonds,)	- - -	150,000 00
The Craddock fund, 6 per cent.,	- - -	6,592 81

Total amount of 6 per cent. bonds,	- - -	3,811,092 81
Amount of bonds held by the board of education,	- - -	1,326,770 01

Total amount of public debt,	- - -	<u>\$5,724,307 82</u>
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Of the school bonds the sum of \$1,259,270 01 bears five per cent. interest, and the sum of \$67,500 00, six per cent.

To pay this debt the state has the following resources, if they could be applied to that purpose: \$939,000 of stock in the bank of Kentucky; \$290,000 of stock in the Northern bank of Kentucky; \$40,600 of stock in the bank of Louisville; and \$150,000 of stock in the Southern bank of Kentucky; to which may be added \$150,000 of stock in the Lexington and Frankfort railroad, and \$76,420 25 bonds on the Louisville and Frankfort railroad company—making in all the sum of \$1,646,020 25. The state has, in addition, \$2,694,239 98, stock in turnpike roads—supposed to be worth about twenty-five or thirty cents to the dollar—besides her investments in rivers, &c.

The sinking fund was established by law, and dedicated, by the constitution, for the payment of the interest and final extinguishment of the public debt. To preserve the good faith and credit of the state, and be prepared to meet at maturity every dollar of this debt, is the settled policy of the commonwealth, and there can be no doubt that those great and desirable ends will be certainly accomplished. I would recommend nothing which would, in the slightest degree, conflict with this sound policy, but will cheerfully unite with you in any measure necessary to secure this result.

On the 8th of June, 1850, Governor Crittenden, in obedience to the acts establishing the Southern bank of Kentucky, subscribed for, and on account of the state, five thousand shares, amounting to five hundred thousand dollars, of the capital stock of said bank; and on the 1st of January, 1851, the bonds of the state to the amount of one hundred and fifty thousand dollars were issued by Gov. Helm, in part payment of said subscription. In the foregoing statement of the public debt, however, I have only included the amount of bonds actually issued, and have, on the other hand, only estimated that sum in estimating the resources of the state for the liquidation of the debt. The bank, by the provisions of its charter, guaranties the state against the payment of interest upon the bonds issued and to be issued in payment of the stock.

From the statements furnished me by the auditor of public accounts, I am enabled to lay before you the condition of the treasury on the 10th of October, 1851, and its estimated condition on the 10th of October, 1852, and 10th of October, 1853. The report which the auditor will make to you will give a more detailed statement of the condition, and probable condition, of the treasury, at those several periods.

In consequence, however, of the early period of the meeting of the general assembly, and the heavy press of business, the auditor will not be able to make his detailed report to you in the early part of the session; but the receipts and expenditures which will be furnished by him at the commencement of the session will give the condition of the treasury.

The receipts into the treasury during the year ending on		
the 10th October, 1851, including \$96,857 06, balance		
on hand 10th October, 1850, were - - - -	\$738,245	52
Expenditures from 10th October, 1850, to 10th October,		
1851, - - - - -	733,653	40
	<hr/>	
Balance in treasury 10th October, 1851, - -	\$4,592	12
Of the foregoing receipts there was transferred to the		
sinking fund the sum of - - - - -	214,479	83
And to school fund, - - - - -	149,715	53
	<hr/>	

It is proper to inform you that there is included in the foregoing statement the sum of \$22,873 97 of the revenue for the fiscal year ending the 10th of October, 1852, but which was paid before the 10th of October, 1851; and that the sum of \$90,574 22 of liabilities properly chargeable against the treasury during the fiscal year ending on the latter day, was not paid for the want of sufficient means in the treasury to meet it, and consequently transferred in the estimates of the auditor, as liabilities against it for the succeeding year, and included in the amount of estimated expenditures for the year ending 10th of October, 1852. Had those liabilities been charged to the treasury for the fiscal year ending 10th of October last, and none of the revenue of the fiscal year ending 10th of October, 1852, been included in the foregoing estimate, it would have shown a deficit in the treasury on the 10th of October last of the sum of \$108,856 07, which very nearly corresponds with the estimated condition of the treasury, made in a special report of the present able and efficient auditor to the senate of Kentucky, at the last session of the legislature.

An act of the last general assembly, approved March 24th, 1851, authorized the governor to borrow the sum of fifty thousand dollars to supply an anticipated deficit in the treasury for the fiscal year ending on the 10th of October, 1851, occasioned as the preamble to the act recites, on account of the appropriation of \$35,000 to pay the liabilities contracted by the commissioners of the second lunatic asylum, and the unusual length of that session of the legislature. By virtue of that act, my predecessor borrowed the sum authorized by it from the bank of Kentucky, and executed bonds for its payment. The bonds state that the loan was made upon the faith, and upon the agreement, that it should be paid out of the revenue payable into the treasury for the year 1851. The sum thus borrowed was audited by the auditor and paid into the treasury, and is included in the foregoing amount of receipts into the treasury for the fiscal year ending on the 10th of October last, but its payment is chargeable against the treasury, in the estimates for the next fiscal year. Notwithstanding this, the \$35,000 appropriation to the second lunatic asylum was not paid in the last fiscal year, but is carried over and charged to the treasury, in the estimates for the year ending 10th of October, 1852. Thus have the appropriation and the money which was borrowed to pay it, both become outstanding liabilities against the treasury for the fiscal year which expires on that day.

It will be seen, by reference to the auditor's report, that the increase in the valuation of taxable property in the commonwealth, in 1851 over the year 1850, is \$17,700,295 00, making an increase of revenue of \$32,854 86.

For the year ending 10th October, 1852, it is estimated by the auditor that the receipts into the treasury, from all sources, will be	\$ 602,838 46
Whilst the expenditures, including the sum payable to the sinking fund, and for school purposes, &c., will be	625,358 46
Supposed deficit in the treasury on 10th October, 1852,	<u>\$ 22,520 00</u>

The auditor states, that if the legislature should sit longer than ninety days, this sum of \$22,520, (supposed amount due from the treasury,) will be increased at the rate of \$500 per day, and if the session should be less than ninety days this amount will be diminished at the same rate. The auditor further states that he has made no estimate in the supposed expenditures for the purchase of law books, of various kinds, which are required under certain contingencies, by an act of the legislature, approved 24th March, 1851, to be furnished to justices of the peace and county judges, and that it is presumed they will cost several thousand dollars.

The present condition of the finances of the state requires that those to whom the people have delegated, for the time being, the management of the government, should exercise the most rigid economy. Whilst I would be very far from recommending, or even encouraging, any course which might be deemed parsimonious, economy in appropriating the public money, together with a strict accountability of all public officers entrusted with its management, should be observed.

It is estimated by the auditor that the receipts into the treasury from all sources, for the year ending 10th of October, 1853, not including the amount received to the credit of the sinking fund and school fund, will be	\$356,000 00
And that the expenditures for the same year, including deficit of the previous year, and not including payments made for sinking fund and school fund, will be	245,520 00

Balance in treasury 10th October, 1853,	- -	<u>\$110,480 00</u>
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You are referred to the report of the treasurer for a statement of the treasury department during the past year.

In view of the present embarrassed condition of the finances, as the legislature will not assemble again for two years to come, it may become necessary, before that time, to resort to a loan to supply the treasury, or sinking fund, or both, to meet any contingency which may arise, in order to preserve the public credit. I therefore recommend that the governor be authorized to negotiate a temporary loan, if necessary, in the meantime, for that purpose, to be used or not, as the exigencies of the case may require, unless the general assembly should prefer to resort to some other means to raise the amount required to liquidate the deficit.

The educational interests of the state will demand your attention. The common school system is being rapidly extended, and the number of schools and scholars is steadily increasing. The people of every part of the state are deeply interested in, and attached to, the cause of common school education. The education of the children of the state is an object of the very first importance. The wise provisions of the constitution, protecting the school interest, have placed the system on a firmer and surer basis than it has ever heretofore occupied. It becomes you as the guardians of this great and vital interest of the people, to cherish and protect it, and to see that none of its revenues, provided by the existing laws, are withheld or diverted. The prompt payment of all its revenues is necessary to its successful maintenance.

The progress which the system has made during the past year, is most encouraging to the friends of common schools, and gratifying to the friends of morality, virtue, and intelligence. If it should continue to receive the fostering care of the state—which I do not doubt—we will in a few years have a system of common schools permanently established, extending its blessings to every child in the commonwealth—a system worthy of Kentucky, and worthy of the age in which we live. It is to be hoped that it has passed through its last and severest trial, and that it will go on to fulfill the most sanguine expectations of its friends.

Amongst the grand and enduring objects to which all men, of all parties, in all time, may devote their earnest energies, this one, of the universal education of mankind, is surely conspicuous. We have entered on this glorious race with all that ardor which distinguishes our people; and I will not allow myself to doubt that all we have yet accomplished, great as it is, is but an earnest of the great and perfect work which we have proposed to ourselves. One of the most pleasing parts of my official duty will be to co-operate in this noble and beneficent design.

Many questions, connected with the general organization and practical working of the common school system, it is to be presumed, will come under discussion during the present session of the legislature, on that part of the report of the commissioners to revise the statute laws. Without entering into any details, I respectfully suggest that the great aim should be to make our common school system extremely simple, and to interpose as few obstacles as possible between the schools and the aid furnished them by the state. Probably not above one-fifth or one-sixth part of the money actually expended in primary education in Kentucky is furnished by the state. While the state has the right to prescribe the conditions on which this aid is granted, and the manner in which it shall be applied, the people have a corresponding right to decline accepting it, on any condition or in any manner inconsistent with the interest involved in the far greater contributions privately made by

themselves. It is obvious, therefore, that the state is bound, by very high considerations, to adjust the whole matter in such a way as to accord with the habits, and manners, and wishes of the people, at the same time that security and the faithful application of the public funds are properly provided for. Great changes in the system are to be avoided. The system actually in operation has been carefully matured, and is generally understood by the people.

A clause of the 11th article of the constitution provides that each county shall be entitled to its proportion of the school fund, and, if not called for, for common school purposes, that it shall be re-invested, from time to time, for the benefit of such county. I respectfully recommend that a law be passed for the proper carrying out of that provision of the constitution, and prescribing in what manner the investment directed by it shall be made.

From the superintendent of public instruction you will receive all the aid which zeal, ability, and a most intimate acquaintance with the common school system can afford; and I refer you to his annual report for the detailed operations of the system during the past year, and invite your attention to such suggestions as he may make for the improvement and perfection of the system.

The annual resources of the school fund are as follows:

Interest on \$1,326,770 01, bonds of the state held by the board of education,	\$ 67,013 50
Dividends on \$73,500 of stock in the bank of Kentucky, about	5,880 00
Two cents on each hundred dollars of taxable property, about	59,600 00
Tax on the capital stock of the Farmers bank of Kentucky,	3,269 50
Total,	<u>\$ 135,763 00</u>

The number of children in the state, between the ages of five and sixteen years, is about two hundred and four thousand four hundred and thirty-two.

As the interest upon the bonds due to the board of education could not be obtained from the sinking fund, on account of the failure of the commissioners to order its payment, the sum of \$40,809 45 was drawn from the treasury, in pursuance of law, by the superintendent of public instruction, to pay for schools taught in 1850, which was directed by an act of the last general assembly to be charged to the board of education, and has recently been paid by a transfer to the treasury of that much of the arrearages of interest payable to the board of education, under the late order of the commissioners of the sinking fund. The payment of that sum by the treasury was one of the causes of its embarrassment.

You will be made acquainted with the condition and management of the lunatic asylums, and the deaf and dumb asylum, by the reports of those under whose superintendence they are placed, which will in due time be laid before you.

It is with regret that I inform you that the Kentucky institute for the education of the blind, located at Louisville, was consumed by fire on the evening of the 29th of September last. I learn, from a card published by the president and trustees of the institution, that the loss to the state will not be large. The insurance on the buildings, it is thought, will to a great extent cover the loss. I understand that the officers and pupils of the institution have taken possession of the academical department of the Louisville university, which was kindly and liberally offered them by the trustees of the university. It is stated that no interruption to the progress of the usefulness of the institution will be caused by the event. I am informed by the president of the institution that it is in contemplation to erect another building, and that the trustees consider it expedient to procure a larger amount of land than that connected with the building recently destroyed, and for this purpose they request permission to sell the present land and to purchase elsewhere. I recommend such legislation as may be necessary to enable the president and trustees to accomplish that object. I invite your attention to the annual report of the president and trustees of the institution, which will in due time be laid before you.

Under the provisions of the constitution the question of internal improvement, so far as the further investment of the revenues of the state is concerned, is regarded as settled. All that can be now done is to keep the works in which the state has investments in repair, exercising economy in the expenditures for that purpose. I refer you to the report of the president of the board of internal improvement for a statement of the condition of the public works.

I call your attention to the affairs of the penitentiary. The number of persons in confinement on the 20th day of October, 1850, as shown by the report of the keeper to the last legislature, was one hundred and fifty-nine. Received into the prison from the 20th day of October, 1850, to the 10th day of October, 1851, ninety-five—making two hundred and fifty-nine. The number discharged during the same time was seventy-eight, escaped five; leaving in confinement on the 10th day of October, 1851, one hundred and seventy-one. Of this number there are one hundred and fifty-four white males, and seventeen colored males. I refer you to the annual report of the keeper and agent for a statement of the management of the affairs of the prison for the past year.

The reasons which induced the convention to fix the first Monday in November, as the day for the meeting of the general assembly have, it is

believed, ceased to exist. For the first session or two after the adoption of the constitution it was proper that it should meet at an earlier period than formerly, on account of the numerous enactments necessarily required to put the new government into operation. Hereafter the sessions will not possess more than ordinary importance; all matters of legislation arising in future, can be as well attended to at one time as another, and the proper management of the fiscal concerns of the state would be better secured if the legislature met at a later period. The time at which the fiscal year of the revenue and sinking fund departments expires, and the school year ends, renders it almost impossible for the proper officers to make satisfactory reports to the legislature of the condition of the important trusts confided to them; and I therefore recommend that the time of the meeting of the general assembly be changed to some day in the latter part of December.

The commissioners appointed to revise the statute laws made a partial report to the legislature at its last session, and the statutes, so far as then reported, were passed, to take effect on the 1st day of July, 1852. Another, and perhaps final, report of the revision of the statutes will be made by them to you, which, if adopted, should go into effect at the same time with those already enacted. These, with the code of practice passed at the last session, are legal reforms, required by the constitution from which it has been expected much good will result to the country. The code has been in operation since the first of August last, and a sufficient length of time, it is believed, has not elapsed to afford a full and fair trial of its merits, and for this reason, if there existed no other, it ought not in my judgment to be repealed.

It will be your duty to lay off the state into ten congressional districts, in such manner as shall be fair and just towards the citizens of every section of the commonwealth.

The dark and lowering clouds that recently threatened the existence of the union of the states of this glorious confederacy are happily passing away. Kentucky is the firm and devoted friend of the union; and is for maintaining inviolate and carrying out, in strictness and in truth, in letter and in spirit, the compromise measures passed by the last congress of the United States. She acknowledges the high and inestimable blessings which the union, under the national constitution, confers on each and all the states, and holds that all the provisions and guaranties of that sacred instrument are binding upon each and all. She invites no aggression, and places the cause of the union on the binding obligations of the federal constitution; and declares to the citizens of all the states, that good faith, in strictly and justly carrying out the provisions of the constitution, is essential to its preservation. The general government is one of limited powers, and it was never designed that it should

interfere with the domestic institutions of the states, and every attempt on the part of the national government to interfere with the right of property, or abridge the free exercise or control of property in the states, is a violation of the national compact, and an encroachment upon the sovereignty of the states—nor has congress the right to interfere with the question of slavery in the territories; it is a matter of domestic concernment, and its settlement should be left exclusively to the people of the territories.

It is deeply to be regretted that a portion of the citizens of some of the northern states of the confederacy have resisted, and attempted to resist, the execution of the fugitive slave law. All forcible acts of resistance to the execution of the laws are treason against the United States, and those who advise, aid, or abet such resistance, are traitors to the constitution, and enemies to the best interests of the republic. It is to be hoped that a rigorous prosecution and punishment of such offenders will cause the constitution and laws to be respected, and that their execution will no longer be resisted from any quarter. Kentucky expects from her sister states a faithful and impartial execution of the laws, and, whilst she most cheerfully acknowledges and accords to the northern states all the guaranties of the constitution, she demands that none of the guaranties of that sacred instrument be withheld from the south.

Happily for the cause of the union, and for the cause of human liberty, the factionists, whose baneful teachings threatened the existence of the union, have been rebuked by the potential voice of the people, in every quarter of the republic.

So far, the constitution and the union have fulfilled their high destinies. Under them we have grown from a weak to a strong power, distinguished alike in the arts of peace and war. Our progress in agriculture, manufactures, commerce, art, and science, has no parallel in the history of nations. In a little over sixty years, our people have increased from four to nearly twenty-four millions—we have grown from thirteen to thirty-one sovereign states. Our territories have been widely extended—our domain now reaches from ocean to ocean, and, every where, over our broad land, our people are protected in the enjoyment of civil and religious liberty, by the strong and broad shield of constitutional law. We are indebted to the constitution and the union for the countless blessings we have enjoyed as a nation, and for the proud and enviable stand we have assumed amongst the nations of the earth; and, “under the auspices of heaven and the precepts of Washington, Kentucky will be the last to give up the constitution and the union.”

L. W. POWELL.

NOVEMBER 4th, 1851.

Ordered, That the Public Printer print four thousand copies of said message for the use of the Senate.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 5, 1851.

The Speaker announced the following standing committees, viz :

On the Judiciary—Martin D. McHenry, James F. Robinson, Wm. A. Hooe, James C. Walker, Samuel A. Spencer.

On the Court of Appeals—James F. Robinson, William J. Berry, Joseph S. Conn, Henry G. Bibb, Isaac P. Miller.

On Circuit Courts—Shelby Stone, John Shawan, Abram I. Caldwell, Reuben Munday, Jefferson Percifull.

On County Courts—Sidney M. Barnes, Henry G. Bibb, Thomas J. Blincoe, Wallace W. Brown, Radford M. Cobb.

On Propositions and Grievances—Wm. Bradley, John J. Thomasson, James P. Orr, John G. McFarland, John L. Elliott.

On Privileges and Elections—John A. Goodson, Lewis L. Mason, Ira Ellis, Wallace W. Brown, Radford M. Cobb.

On Religion—R. D. Gholson, Walker W. Haley, Eli Bozarth, William J. Berry, Isaac P. Miller.

On Internal Improvement—James W. Irwin, Thomas N. Lindsey, Sidney M. Barnes, John G. McFarland, John A. Goodson.

On Finance—Ben. Hardin, John C. Walker, Preston H. Leslie, Wm. Bradley, Lewis L. Mason.

On Education—William Preston, Thompson S. Parks, Thomas J. Smith, Thomas N. Lindsey, John Shawhan.

On the Penitentiary—James P. Orr, John J. Thomasson, Walker W. Haley, Reuben Munday, John G. McFarland.

On Military Affairs—Lewis L. Mason, Abram I. Caldwell, John C. Walker, Thomas J. Blincoe, Eli Bozarth.

On Federal Relations—John D. Taylor, William Preston, Sidney M. Barnes, Lewis L. Mason, Wallace W. Brown.

On Agriculture and Manufactures—John Cunningham, Abram I. Caldwell, Wallace W. Brown, Reuben Munday, Eli Bozarth.

On the Sinking Fund—James F. Robinson, Thomas N. Lindsey, Wm. Preston.

On Executive Affairs—William A. Hooe, Lewis L. Mason, Henry G. Bibb, Thomas J. Smith, John G. McFarland.

On Public Buildings—Thomas N. Lindsey, Abram I. Caldwell, Reuben Munday, Jefferson Percifull, Ira Ellis.

JOINT COMMITTEES.

On Enrollments—Samuel A. Spencer, Ira Ellis, J. J. Thomasson.

On the Library—Henry G. Bibb, T. S. Parks, Walker W. Haley.

On Banks—Preston H. Leslie, Thomas N. Lindsey.

On Public Offices—Thomas J. Smith, Joseph S. Conn.

The Speaker laid before the Senate a condensed report of the Auditor, for the fiscal year, ending the 10th day of October, 1851.

Ordered, That said report be referred to the committee on Finance, and that the Public Printer print 150 copies thereof for the use of the Senate.

A message in writing was received from the Governor, by Mr. Metcalfe, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz :

EXECUTIVE DEPARTMENT,
November 5, 1851. }

Gentlemen of the Senate :

I nominate for your advice and consent, David Meriwether, to be Secretary of State, he having been commissioned as such, since the adjournment of the last General Assembly.

L. W. POWELL.

Resolved, That the Senate advise and consent to said appointment.

Mr. Lindsey read and laid on the table the following resolution, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Post Master at Frankfort be requested to keep an account of the postage, for all public documents sent by mail by the members of the General Assembly, and present the same at the close of the session to the Auditor of Public Accounts, who is authorized to draw a warrant upon the Treasurer for the same, to be paid out of the public Treasury.

Resolved, further, That the Sergeants-at-Arms of the Senate and House of Representatives shall be required to take charge of all such documents, forwarded by the members, and deliver them to the Post Master.

Mr. Hardin moved to print said resolution.

Which was decided in the negative.

Mr. Hardin then moved to lay said resolution on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Munday, were as follows, viz :

Those who voted in the affirmative, were

Henry G. Bibb,	Richard D. Gholson,	James P. Orr,
Thomas J. Blincoe,	John A. Goodson,	Thompson S. Parks,
Eli Bozarth,	Walker W. Haley,	John Shawhan,
William Bradley,	Ben. Hardin,	Thomas J. Smith,
Radford M. Cobb,	William A. Hooe,	Shelby Stone,
John Cunningham,	Isaac P. Miller,	John D. Tayler,
John L. Elliott,	Reuben Munday,	John C. Walker—22.
Ira Ellis,		

Those who voted in the negative, were

Sidney M. Barnes,	Preston H. Leslie,	Jefferson Percifull,
William J. Berry,	Thomas N. Lindsey,	William Preston,
Wallace W. Brown,	Lewis L. Mason,	James F. Robinson,
Abram I. Caldwell,	John G. McFarland,	Samuel A. Spencer,
Joseph S. Conn,	Martin D. McHenry,	John J. Thomasson—16.
James W. Irwin,		

A message was received from the House of Representatives, announcing that they had passed a bill of the following title, viz :

An act authorizing a special term of the Woodford County Court.

Which bill was read the first time, and ordered to be read the second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz :

On motion of Mr. Preston—1. A bill regulating the changes of venue from County Courts.

On motion of Mr. Irwin—2. A bill to authorize the county of Simpson to subscribe stock in the Louisville and Nashville Railroad.

On motion of Mr. Hooe—3. A bill relative to private passways in Mercer county.

Ordered, That Messrs. Preston, Robinson, and Leslie prepare and bring in the first; the committee on Internal Improvement, the second; and the committee on the Judiciary, the third.

A message was received from the House of Representatives, announcing that they had passed a resolution, providing for the payment of postage on documents sent by the members of the General Assembly.

The resolution proposed by Mr. McHenry on yesterday was taken up.

Mr. Irwin offered the following as a substitute for said resolution :

Resolved, That, to carry out the 12th section of article 2nd of the Constitution, there shall be placed in a box two ballots, upon one of which shall be written "two years," upon the other "four years," and the Sena-

tor who represents District No. 1. shall draw from the box one of the ballots. If he shall draw the ballot having on it "two years," it shall constitute the first class of Senators, and shall apply to all the odd districts in the State; but if he shall draw the ballot having on it "four years," then it shall apply to the even districts in the State, and shall constitute the second class of Senators.

And the question being taken on the adoption of the substitute, it was decided in the negative.

Said resolution was then adopted.

The Senate proceeded, in pursuance of said resolution, to ascertain by lot which of the members of that body should serve two, and which four years, the result of which is as follows, viz:

Sidney M. Barnes, to serve two years.

William J. Berry, to serve two years.

Henry G. Bibb, to serve four years.

Thomas J. Blincoe, to serve two years.

Eli Bozarth, to serve two years.

William Bradley, to serve four years.

Wallace W. Brown, to serve four years.

Abram I. Caldwell, to serve four years.

Radford M. Cobb, to serve four years.

Joseph S. Conn, to serve four years.

John Cunningham, to serve four years,

John L. Elliott, to serve two years.

Ira Ellis, to serve four years,

Richard D. Gholson, to serve four years.

John A. Goodson, to serve two years,

Walker W. Haley, to serve two years.

Ben. Hardin, to serve two years.

William A. Hooe, to serve two years.

James W. Irwin, to serve four years.

Preston H. Leslie, to serve two years.

Thomas N. Lindsey, to serve two years.

Lewis L. Mason, to serve four years.

John G. McFarland, to serve two years.

Martin D. McHenry, to serve two years.

Isaac P. Miller, to serve four years.

Reuben Munday, to serve four years.

James P. Orr, to serve two years.

Thompson S. Parks, to serve two years.

Jefferson Percifull, to serve two years.

William Preston, to serve four years.

James F. Robinson, to serve two years.

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John Shawan, to serve four years.

Thomas J. Smith, to serve four years.

Samuel A. Spencer, to serve four years.

Shelby Stone, to serve four years.

John D. Taylor, to serve two years.

John J. Thomasson, to serve four years.

John C. Walker, to serve two years.

The Speaker laid before the Senate a report of the Treasurer, relative to the condition of that Department.

Ordered, That said report be referred to the committee on Finance, and that the Public Printer print 150 copies thereof for the use of the Senate.

And then the Senate adjourned.

THURSDAY, NOVEMBER 6, 1851.

Mr. Lindsey presented the petition of Thomas S. Theobald, praying the passage of an act authorizing the Auditor to pay him the amount due him as late keeper of the Penitentiary.

Which petition was received, the reading dispensed with, and referred to the committee on Finance.

Leave was given to bring in the following bills, viz:

On motion of Mr. Robinson—1. A bill to incorporate the Phoenix Insurance Company of Lexington.

On motion of Mr. Stone—2. A bill to change the time of holding the quarterly Court of the County Judge for Russell county.

On motion of Mr. Berry—3. A bill for the benefit of the Sheriff of Ohio county.

On motion of Mr. McHenry—4. A bill to modify the charter of the Shelby Railroad Company.

On motion of Mr. Haley—5. A bill to facilitate the conveyance of land after the death of the vendor, where the same had been sold by executory contract.

On motion of Mr. Gholson—6. A bill to re-establish and re-mark the corners of sectionized lands west of the Tennessee.

On motion of Mr. Brown—7. A bill to amend the Common School law.

On motion of Mr. Bibb—8. A bill to increase the jurisdiction of Justices of the Peace in civil causes.

On motion of Mr. Goodson—9. A bill to authorize Constables in Covington to appoint deputies.

The committee on the Judiciary were directed to prepare and bring in the 1st, 5th, and 8th; the committee on Internal Improvement the 4th; Messrs. Stone, McHenry, and Caldwell were appointed a committee to prepare and bring in the 2nd; Messrs. Berry, Conn, and Walker, the 3d; Messrs. Gholson, Conn and Ellis the 6th; Messrs. Brown, Cobb, and Mason, the 7th; and Messrs. Goodson, Shawhan and Bradley, the 9th.

Mr. McHenry moved the following resolution, viz :

Resolved, That the committee on the Judiciary be instructed to inquire whether any legislation is necessary to suppress the pernicious practice of treating voters with intoxicating drinks, to influence them in the exercise of the right of suffrage, and that they report by bill or otherwise.

Which was adopted.

A message in writing was received from the Governor, by Mr. Meriwether, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz :

EXECUTIVE DEPARTMENT,
November 6, 1851. }

Gentlemen of the Senate :

I herewith transmit to you, for your consent and approval, the bond of Richard C. Wintersmith, as Treasurer, with Charles S. Morehead, Charles G. Wintersmith, W. W. McDowell, William Hall, Warren Mitchell, Woodford Hall, I. Shelby Todd, James M. Bullock, F. Neel, J. K. Logan, M. D. McHenry, John A. Hall, D. Howard Smith, C. D. Shean, H. G. Wintersmith, W. S. English, Samuel B. Thomas, Charles G. Wintersmith, Sr., John L. Helm, John Cofer, Thomas D. Brown, and Samuel L. Hodgen as his securities, which bond and securities have been approved by me.

L. W. POWELL.

Resolved, That the Senate advise and consent to the securities in said bond.

Mr. Ellis, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the House of Representatives, of the following title, viz :

An act authorizing a special term of the Woodford Circuit Court.

And had found the same truly enrolled.

A message was received from the House of Representatives, requesting to withdraw a resolution passed by that House on yesterday, in relation to postage on public documents.

Which was adopted.

And then the Senate adjourned.

FRIDAY, NOVEMBER 7, 1851.

A message was received from the House of Representatives, announcing that they had passed bills and resolutions of the following titles, viz :

1. An act for the benefit of the infant children of John Braxdall, jr., deceased.

2. An act to provide for changing the place of voting in the fifth district, and for the erection of an additional civil district, and election precinct in Christian county.

3. An act for the benefit of the stockholders in the Carrolton and Eagle Creek Turnpike Road Company.

A resolution appointing a joint committee to visit the Institution of the Blind at Louisville.

A resolution appointing a joint committee to visit the Deaf and Dumb Asylum at Danville.

A resolution appointing a joint committee to visit the Lunatic Asylum at Lexington.

Which bills and resolutions were read the first time, and ordered to be read the second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the committee on the Judiciary; the 2nd to the committee on Propositions and Grievances; and the 3d to the committee on Internal Improvement.

Resolutions from the House of Representatives were taken up, twice read, and concurred in.

That they had received official information that the Governor had approved and signed an enrolled bill which originated in the House of Representatives, of the following title, viz :

An act authorizing a special term of the Woodford Circuit Court.

The following bill was reported, viz :

By Mr. McHenry, from the committee on the Judiciary—A bill to incorporate the Phoenix Insurance Company of Lexington.

Which bill was read the first time, and ordered to be read the second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from select committees, viz :

By Mr. Stone—1. A bill to change the time of holding the quarterly Courts of Presiding Judge in Russell county.

By Mr. Goodson—2. A bill to authorize Constables in the city of Covington to appoint deputies.

By Mr. Hardin—3. A bill to repeal an act to authorize the County Court of Nelson and Barren counties to subscribe stock in the Louisville and Nashville Railroad Company, approved the 15th of March, 1851.

By Mr. Preston—4. A bill regulating changes of venue from County Courts.

By Mr. Irwin—5. A bill to prescribe the term of office for the inferior officers of this Commonwealth.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 3d was referred to the committee on Internal Improvement; the 5th to the committee on the Judiciary; the 4th was ordered to be printed; the 1st and 2nd were ordered to be read a third time.

The constitutional provision as to the third reading of the first and second being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hooe moved the following resolutions, viz :

Resolved, That so much of the Governor's annual message as relates to the revision of the statute laws of the State, the Code of Practice, and the time of the meeting of the General Assembly, is hereby referred to the committee on the Judiciary.

Resolved, That so much of said message as refers to the Educational interest of the State, and the subject of Common Schools, is hereby referred to the committee on Education.

Resolved, That so much of said annual message as relates to the present embarrassed condition of the Finances, is hereby referred to the committee on Finance.

Resolved, That so much of said message as relates to the subject of Internal Improvement, is hereby referred to the committee on Internal Improvement.

Resolved, That so much of said message as refers to the affairs of the Penitentiary, is hereby referred to the committee on the Penitentiary.

Resolved, That that portion of said message which relates to the matter of districting the State into ten Congressional Districts, in such manner as shall be fair and just, is hereby referred to the select committee on that subject.

Resolved, That that portion of said message in relation to the Union, the Compromise Measures, and the resistance of the Fugitive Slave

Law by a part of the citizens of the North, is hereby referred to the committee on Federal Relations.

Which were adopted.

Mr. Haley moved the following resolution, viz :

Resolved, That the committee on the Judiciary be instructed to inquire into the necessity of passing some law to suppress the practice of carrying concealed weapons, and that they report by bill or otherwise.

Which was adopted.

Leave was given to bring in the following bills, viz :

On motion of Mr. Cunningham—1. A bill to legalize the vote of Bourbon county to subscribe one hundred thousand dollars in the capital stock of the Covington and Lexington Railroad Company.

On motion of Mr. Mason—2. A bill to incorporate the Louisville and Covington Railroad Company.

On motion of same—3. A bill to exempt a homestead of the value of one thousand dollars from execution and sale.

On motion of Mr. Brown—4. A bill allowing jurors compensation for their services.

On motion of Mr. Leslie—5. A bill to authorize Judges of County Courts to change the lines of voting precincts.

On motion of Mr. Robinson—6. A bill to incorporate Friendship Lodge, No. 5, Independent Order of Odd Fellows.

On motion of Mr. Irwin—7. A bill to prescribe the term of office for the inferior officers of this Commonwealth.

And, on motion of Mr. Hooe—8. A bill for the benefit of the Attorneys prosecuting the pleas of the Commonwealth.

The committee on the Judiciary was directed to prepare and bring in the 1st, 6th, and 8th ; the committee on County Courts the 5th ; Messrs. Mason, Thomasson, and Goodson, were appointed a committee to prepare and bring in the 2nd and 3d ; Messrs. Brown, Bozarth, and Mason, the 4th ; and Messrs. Irwin, Bibb, and Barnes, the 7th.

The Speaker laid before the Senate the annual report of the Keeper of the Penitentiary, which is as follows, viz :

OFFICE KENTUCKY PENITENTIARY, }
Frankfort, Nov. 7, 1851. }

Sir : You will please lay before the Senate the enclosed annual report.

Very respectfully, your obedient servant,

N. CRAIG,

Agent and Keeper Kentucky Penitentiary.

HON. JOHN B. THOMPSON, *President of the Senate.*

[For Report—See Legislative Documents.]

Ordered, That the Public Printer print 150 copies thereof for the use of the Senate.

Mr. Lindsey moved the following resolutions, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That by the decease of Col. EZEKIEL H. FIELD, Senator elect from the 32d District, the Commonwealth has lost one of her most gallant and useful citizens.

Resolved, That as a mark of respect for his memory, the members of the Legislature will wear the usual badge of mourning for thirty days.

Resolved, That the Speaker of the Senate do transmit to the widow of Col. Field, a copy of these resolutions, expressing to her the deep regret the Legislature feel at her bereavement, and the loss sustained by the Commonwealth by the death of her husband.

Resolved, As a further mark of respect to the memory of Col. Field that the Senate do now adjourn.

Which were adopted.

SATURDAY, NOVEMBER 8, 1851.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz :

1. An act to extend the provisions of an act, entitled, "an act regulating the prices of taking up boats, on the Ohio river, approved January 29th, 1829," to all the navigable streams in this State.

2. An act vesting the County Court of Owen with power to change the location of a part of the State road leading from Covington to Louisville.

3. An act to incorporate Boyle Lodge, No. 56, I. O. O. F., at Perryville.

4. An act to incorporate the Trustees of Centre Point Meeting House in Monroe county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the committee on the Judiciary; the 2nd to the committee on Internal Improvement; and the 3d and 4th were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

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Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Speaker announced the following committees, viz :

Messrs. John D. Taylor, Hooe, and Goodson, to visit the Lunatic Asylum at Lexington.

Messrs. A. I. Caldwell, Mason, and Ellis, to visit the Deaf and Dumb Asylum at Danville.

Mr. Isaac P. Miller, Conn, and Stone, to visit the Institution of the Blind at Louisville.

The Speaker laid before the Senate a communication from the Superintendent of Public Instruction, which is as follows, viz :

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }
LEXINGTON, November 6, 1851.)

JOHN B. THOMPSON, Esq.,

Lieutenant Governor and Speaker of the Senate :

SIR : The Common School Commissioners are not required by law to report to the Superintendent of Public Instruction before the first week of December ; and they are allowed some time longer to make additional reports in place of any that may fail to come to hand. It is in connection with these arrangements that the Superintendent is required by law to make a report to the Legislature within the first ten days of its session—that session being contemplated as commencing at the end of December. I have therefore the honor to state that all that portion of my report to the Legislature, which is founded on the reports of the County Commissioners to me, cannot be made earlier than the end of December ; but all the other portions of it can be prepared and submitted to the General Assembly at a much earlier period, if it is thought to be desirable that it should be done.

That I may not appear to omit any part of my duty, I venture to request that the contents of this communication may be made known to the Senate.

Very respectfully,

RO. J. BRECKINRIDGE,

Sup't Public Instruction.

The following bills were reported from select committees, viz :

By Mr. Berry—1. A bill for the benefit of the Sheriff of Ohio county.

By Mr. Mason—2. A bill to charter the Louisville and Covington Railroad Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was ordered to be engrossed and read a third time, and the 2nd referred to the committee on Internal Improvement.

The constitutional provision as to the third reading of the 1st bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Spencer—1. A bill to regulate the time of holding the Green County Court.

On motion of Mr. Bibb—2. A bill to change the time of holding the special term of the Chancery Court of Christian county.

On motion of Mr. Percifull—3. A bill to appropriate money for the erection of a bridge across Straight Creek, in Harlan county.

On motion of Mr. Cobb—4. A bill to authorize the County Court of Knox to appropriate land warrants to road and bridge purposes in said county.

On motion of Mr. Leslie—5. A bill more effectually to suppress the practice of gambling.

On motion of Mr. Bozarth—6. A bill to increase the resources of the School Fund.

On motion of Mr. Barnes—7. A bill to amend an act, entitled, an act to fix the time of holding Circuit Courts in this Commonwealth.

On motion of same—8. A bill more effectually to suppress corruption in elections.

On motion of same—9. A bill to change the time of holding the Owsley and Perry Circuit Courts.

Messrs. Spencer, Gholson, and Munday, were appointed a committee to prepare and bring in the 1st; Messrs. Bibb, Irwin, and Barnes, the 2d; Messrs. Percifull, Cobb, and Mason, the 3d; Messrs. Cobb, Barnes, and Haley, the 4th; Messrs. Leslie, Barnes, and Conn, the 5th; and Messrs. Barnes, Percifull, and Cobb, the 9th; the committee on Education was directed to prepare and bring in the 6th; the committee on Circuit Courts, the 7th; and the committee on the Judiciary, the 8th.

Mr. Irwin moved the following resolution, viz:

Resolved, That the select committee, to whom was referred the subject of the Congressional apportionment, be requested to inquire into the expediency of adopting the following as the Congressional Districts required by the act of Congress, approved on the 23d May, 1850, in relation to this subject, and report thereon.

Total white population, (voters, 153,092,)	- - -	771,424
Total slave population, 210,981—three-fifths of which is -	- - -	126,558
Representative population, - - -	- - -	898,012
To each representative in congress, - - -	- - -	89,801

		Voters.	Free.	Slaves.
DISTRICT No. 1.	Lawrence, -	1,081	6,444	137
	Carter, -	1,143	5,984	257
	Greenup, -	1,838	9,048	606
	Lewis, -	1,383	6,880	322
	Mason, -	2,990	14,060	4,284
	Fleming, -	2,323	11,775	2,139
	Bath, -	1,929	9,580	2,535
	Montgomery, -	1,436	6,830	3,073
	Clarke, -	1,764	7,843	4,840
		16,887	78,144	3-5)18,193
			10,915	10,915

[Deficit 742.]

89,059

DISTRICT No. 2.	Bracken, -	1,548	8,063	840
	Nicholas, -	1,806	8,848	1,513
	Harrison, -	2,110	9,879	3,185
	Pendleton, -	1,315	6,265	509
	Campbell, -	2,060	12,950	177
	Kenton, -	3,443	16,208	830
	Boone, -	1,905	9,081	2,104
	Gallatin, -	902	4,433	704
	Carroll, -	967	4,577	948
	Grant, -	1,280	5,999	532
		16,369	86,303	3-5)11,343
			6,805	6,805

[Surplus 3,307.]

93,108

DISTRICT No. 3.	Bourbon, -	1,774	7,400	7,066
	Fayette, -	2,436	11,846	10,889
	Jessamine, -	1,327	6,424	3,825
	Woodford, -	1,277	6,047	6,376
	Franklin, -	1,734	9,097	3,365
	Owen, -	1,834	8,930	1,514
	Anderson, -	1,109	4,978	1,282
	Scott, -	1,935	9,110	5,836
		13,426	63,832	3-5)40,153
			24,073	24,073

[Deficit 1,896.]

87,905

DISTRICT No. 4.	Jefferson, -	9,316	48,920	10,911
	Shelby, -	2,516	10,478	6,617
	Henry, -	1,959	8,429	3,013
	Trimble, -	1,006	5,020	941
	Oldham, -	1,076	5,205	2,424
		15,884	78,054	3-5)23,906
			14,343	14,343

[Surplus 2,556.]

92,357

		Voters.	Free.	Slaves.
DISTRICT No. 5.	Hardin, - - -	2,431	12,066	2,459
	Larue, - - -	1,061	5,187	672
	Bullitt, - - -	1,184	5,419	1,355
	Spencer, - - -	1,017	4,691	2,151
	Nelson, - - -	1,946	9,659	5,130
	Washington, - -	1,892	9,149	3,045
	Marion, - - -	1,750	8,679	3,089
	Mercer, - - -	2,208	10,807	3,266
	Boyle, - - -	1,148	5,692	3,424
		14,637	71,349	3-5)24,582
			14,749	14,749
	[Deficit 3,703.]		86,098	

DISTRICT No. 6.	Casey, - - -	1,146	5,922	634
	Green, - - -	1,327	6,452	2,608
	Clinton, - - -	844	4,627	262
	Cumberland, - -	1,034	5,520	1,485
	Adair, - - -	1,537	8,191	1,707
	Russell, - - -	977	4,911	435
	Wayne, - - -	1,413	7,862	830
	Pulaski, - - -	2,445	12,888	1,307
	Lincoln, - - -	1,446	6,738	3,355
	Whitley, - - -	1,156	7,246	201
	Monroe, - - -	1,347	6,925	831
	Taylor, - - -	1,116	5,610	1,640
		15,788	82,892	3-5)15,292
			9,177	9,177
	[Surplus 2,268.]		92,069	

DISTRICT No. 7.	Garrard, - - -	1,604	7,061	3,176
	Madison, - - -	2,575	10,334	5,393
	Estill, - - -	1,135	5,574	411
	Owsley, - - -	701	3,638	136
	Clay, - - -	838	4,906	515
	Laurel, - - -	886	3,953	192
	Rockcastle, - -	877	4,322	375
	Knox, - - -	1,134	6,438	612
	Harlan, - - -	695	4,145	123
	Perry, - - -	523	2,975	117
	Letcher, - - -	375	2,450	62
	Pike, - - -	901	5,267	98
	Floyd, - - -	1,111	5,565	149
	Johnson, - - -	637	3,843	30
	Morgan, - - -	1,371	7,433	187
	Breathitt, - - -	626	3,615	170
		15,989	81,519	3-5)11,746
			7,048	7,048
	[Deficit 1,234.]		88,567	

Slaves.		Voters.	Free.	Slaves.
2,459	DISTRICT No. 8.	Hart, - - - 1,465	7,792	1,301
672		Barren, - - - 3,053	15,656	4,584
1,355		Logan, - - - 2,154	11,114	5,467
2,151		Warren, - - - 2,181	10,806	4,317
5,130		Allen, - - - 1,377	7,428	1,314
3,045		Simpson, - - - 1,029	5,798	1,935
3,089		Todd, - - - 1,417	7,458	4,810
3,266		Butler, - - - 911	5,074	681
3,424		Edmonson, - - - 695	3,763	325
4,582			14,889	3-5)24,734
4,749			14,840	14,840

[Deficit 72.]

634			89,729	
2,608	DISTRICT No. 9.	Meade, - - - 1,161	5,820	1,573
262		Breckinridge, - - - 1,806	8,627	1,966
1,485		Daviess, - - - 2,187	9,473	2,889
1,707		Christian, - - - 2,168	11,440	3,140
435		Ohio, - - - 1,706	8,617	1,132
830		Henderson, - - - 1,568	7,774	4,397
1,307		Muhlenburg, - - - 1,718	8,287	1,522
3,355		Hancock, - - - 603	3,231	622
201		Grayson, - - - 1,182	6,517	320
831		Union, - - - 1,457	6,720	2,292
1,640			15,556	3-5)24,853
5,292			76,506	14,911
9,177			14,911	

[Surplus 1,616.]

3,176			91,417	
5,393	DISTRICT No. 10.	Hopkins, - - - 1,948	10,249	2,192
411		Livingston, - - - 952	5,460	1,118
136		Crittenden, - - - 1,024	5,503	848
515		Caldwell, - - - 1,954	9,941	3,107
192		Trigg, - - - 1,452	7,332	2,797
375		Calloway, - - - 1,282	7,104	992
612		Marshall, - - - 883	5,020	249
123		McCracken, - - - 916	5,259	808
117		Ballard, - - - 849	4,654	842
62		Graves, - - - 1,695	9,958	1,439
98		Fulton, - - - 634	3,503	943
149		Hickman, - - - 744	3,950	841
30			14,333	3-5)16,176
187			77,933	9,705
170			9,705	
746				
048				

[Deficit 2,163.]

87,638

District.	Free.	Slaves.	Deficit.	Surplus.
No. 1.	78,144	18,193	742	
No. 2.	86,303	11,343	-	3,307
No. 3.	63,832	40,153	1,896	
No. 4.	78,054	23,906	-	2,556
No. 5.	71,349	24,582	3,703	
No. 6.	82,895	15,295	-	2,268
No. 7.	81,519	11,746	1,234	
No. 8.	74,889	24,734	72	
No. 9.	76,506	24,853	-	1,616
No. 10.	77,933	16,176	2,163	
	771,424	210,981		

Which was adopted.

Ordered, That the Public Printer print 150 copies for the use of the Senate.

The Senate resumed the consideration of the bill regulating changes of venue from County Courts.

Mr. Hardin moved an amendment to said bill.

Which was adopted.

Mr. Taylor moved to amend said bill by striking out the proviso.

Mr. Lindsey moved further to amend the amendment proposed by Mr. Taylor.

Ordered, That said bill and amendments be referred to the committee on the Judiciary.

And then the Senate adjourned.

MONDAY, NOVEMBER 10, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill, and concurred in a resolution from the Senate, of the following titles, viz :

An act to incorporate the Phoenix Insurance Company at Lexington.
Resolution in relation to the death of Col. E. H. Field.

That they had passed bills of the following titles, viz :

1. An act to incorporate the Versailles, Fire, Life, and Marine Insurance Company.

2. An act to authorize a change in the State road leading from the Tennessee river to Columbus.

3. An act embodying into one the several acts amending the road law of Campbell county.

4. An act for the benefit of Samuel Haycraft.

5. An act for the benefit of John Elliott, and Mary Ann Elliott his wife, of Fleming county.

6. An act for the benefit of George Dunn, Jailer of McCracken county.

7. An act for the benefit of Elizabeth Sicard.

8. An act to amend an act incorporating the Maysville and Mount-sterling Turnpike Road Company.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, with an amendment, proposed by Mr. Gholson, was referred to the committee on Finance; the 2d, 3d, and 8th, to the committee on Internal Improvement; the 7th to the committee on Finance; the 4th, 5th, and 6th, were ordered to be read a third time.

The constitutional provision as to the third reading of the 4th, 5th, and 6th bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Barnes presented the petition of Lewis Barnett, of Estill county, praying the passage of a law releasing him from the payment of taxes.

Which petition was received, the reading thereof dispensed with, and referred to the committee on Finance.

The following bills were reported, viz :

By Mr. McHenry, from the committee on the Judiciary—1. A bill to suppress the pernicious practice of treating men with intoxicating liquors, for the purpose of influencing their suffrages.

By Mr. Barnes, from the committee on County Courts—2. A bill authorizing Judges of County Courts to change voting places, and the boundary lines of Justices' districts and voting precincts.

By Mr. Brown, from a select committee—3. A bill allowing jurors pay for their services before Justices of the Peace.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was ordered to be printed, and made the special order of the day for Wednesday next, at 12 o'clock; the second, with an amendment proposed by Mr. Haley, was ordered to be printed, and made the special order of the day for Thursday next, at 12 o'clock; and the third was ordered to be printed, and placed in the orders of the day.

A message in writing was received from the Governor, by Mr. Metcalfe, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up and read.

[For Message—See Legislative Documents, page 13.]

Mr. Hooe moved to lay said message on the table.

And the question being taken thereon, it was decided in the negative, by the casting vote of the Speaker.

The yeas and nays being required thereon, by Messrs. Hooe and Shawhan, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Richard D. Gholson,	Jefferson Percifull,
Thomas J. Blincoe,	John A. Goodson,	John Shawhan,
Eli Bozarth,	William A. Hooe,	Thomas J. Smith,
Wallace W. Brown,	John G. McFarland,	Samuel A. Spencer,
Radford M. Cobb,	James P. Orr,	John D. Taylor,
Ira Ellis,	Thompson S. Parks,	John J. Thomasson—18.

Those who voted in the negative, were

Sidney M. Barnes,	John L. Elliott,	Isaac P. Miller,
Henry G. Bibb,	Walker W. Haley,	Reuben Munday,
William Bradley,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	James W. Irwin,	James F. Robinson,
Joseph S. Conn,	Preston H. Leslie,	Shelby Stone,
John Cunningham,	Martin D. McHenry,	John C. Walker—18.

Ordered, That said message be referred to the committee on Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Leave was given to bring in the following bills, viz :

On motion of Mr. Haley—1. A bill to provide for an appeal from the decision of the different boards, for trying contested elections.

On motion of Mr. Robinson—2. A bill to amend an act incorporating the Trustees of the Kentucky Baptist Education Society, approved January 15, 1829.

On motion of Mr. Percifull—3. A bill to amend the law in regard to retailing spirituous liquors.

On motion of Mr. Cobb—4. A bill to establish the line between the counties of Clay and Knox.

On motion of Mr. Barnes—5. A bill to regulate and prescribe the fees and perquisites of the office of Commonwealth's Attorneys.

On motion of same—6. A bill to amend an act, entitled, an act to amend the charter of the city of Lexington.

The committee on the Judiciary was directed to prepare and bring in the 1st, 5th, and 6th; the committee on Education, the 2nd; Messrs.

Percifull, Elliott, and Brown, were appointed a committee to prepare and bring in the 3d; and Messrs. Cobb, Percifull, and Brown, the 4th.

Mr. Leslie moved the following resolution, viz:

Resolved, That a committee of three be appointed, whose duty it shall be to prepare and bring in a bill regulating and fixing the fees of Clerks, Sheriffs, Constables, Justices of the Peace, and presiding Judges of the County Courts.

Which was adopted.

Mr. Hardin moved the following resolution, viz:

Resolved, That the districts for the election of Judges of the Court of Appeals, be reduced to three, and that the committee on the Court of Appeals be instructed to report a bill to that effect, to go into operation on the first Monday in August, 1852.

Ordered, That said resolution be placed in the orders of the day.

Mr. Spencer read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the committees on the Lunatic Asylum, Deaf and Dumb Asylum, and Institution for the Blind, be instructed to open a correspondence with those institutions, upon the subject of their several conditions, &c., and that said committees report said correspondence, together with such suggestions as may, in their judgment, be thought necessary for the information of the General Assembly, which correspondence, &c., shall supercede the necessity of visiting said institutions in person.

Mr. Spencer also read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State be and he is hereby directed to furnish each member and officer of the General Assembly with one copy of the revised debates of the Convention, now belonging to the State: *Provided*, That the members and officers of the General Assembly who have heretofore been provided for, or who may have received said debates, shall not be entitled to the benefit of this resolution.

And then the Senate adjourned.

TUESDAY, NOVEMBER 11, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to change the time of holding the quarterly courts of the presiding judge in Russell county.

That they had passed bills of the following titles, viz :

1. An act to provide for the better regulation and support of the Public Schools in the city of Newport.
2. An act incorporating the Kentucky State Medical Society.
3. An act to provide for surveying and re-marking the dividing line between Barren and Edmonson counties.
4. An act to change the place of voting, in district No. 6, in Knox county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st and 2d were referred to the committee on Education; and the 3d and 4th to the committee on Propositions and Grievances.

Mr. McFarland presented the petition of part of the citizens of Ohio county, praying the passage of a law authorizing them to be added to Daviess county.

Which petition was received, the reading dispensed with, and referred to the committee on Propositions and Grievances.

Mr. McHenry, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act for the benefit of the infant children of John Braxdall, jr., deceased.

An act to extend the provisions of an act, entitled, "an act regulating the prices of taking up boats on the Ohio river, approved January 29th, 1829," to all the navigable streams in this State, reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill regulating changes of venue from County Courts, and the amendments proposed thereto, reported the same with an amendment, as a substitute therefor, which was concurred in.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

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Mr. Bradley, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to provide for changing the place of voting in the 5th district, and for the erection of an additional civil district and election precinct in Christian county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act vesting the County Court of Owen with power to change the location of a part of the State road leading from Covington to Louisville.

An act for the benefit of the stockholders in the Carrolton and Eagle Creek Turnpike Road Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin, from the same committee, to whom was referred a bill to repeal an act to authorize the County Court of Nelson and Barren counties to subscribe stock in the Louisville and Nashville Railroad Company, approved the 15th March, 1851, reported the same without amendment.

Ordered, That said bill be placed in the orders of the day.

The following bills were reported, viz :

By Mr. McHenry, from the committee on the Judiciary—1. A bill to prescribe the term of office for the inferior officers of the Commonwealth.

By same—2. A bill to incorporate Friendship Lodge, No. 5, Independent Order of Odd Fellows.

By same—3. A bill to require the County Court of Bourbon to subscribe to the stock of the Covington and Lexington Railroad Company.

By same—4. A bill to amend and reduce into one the several acts concerning private passways in Mercer county.

By Mr. Leslie, from a select committee—5. A bill more effectually to suppress the practice of gambling.

By Mr. Spencer, from a select committee—6. A bill to regulate the time of holding the Green County Court.

By Mr. Gholson, from a select committee—7. A bill to re-establish and re-mark corners of the sectionized lands west of the Tennessee river.

By Mr. Percifull, from a select committee—8. A bill to appropriate money for the erection of a bridge across Straight creek, in Harlan county.

By Mr. Cobb, from a select committee—9. A bill to appropriate land warrants in the county of Knox.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st, 2nd, 4th, 6th, and 9th, were ordered to be engrossed and read a third time; the 3d was placed in the orders of the day; the 5th was ordered to be printed, and made the special order of the day for Friday next; the 7th was referred to the committee on Finance; and the 8th to the committee on Internal Improvement.

The constitutional provision as to the third reading of the 1st, 2nd, 4th, 6th, and 9th bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message in writing was received from the Governor, by Mr. Meriwether, Secretary of State; which message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
November 11th, 1851. }

*Gentlemen of the Senate
and House of Representatives:*

Under the provisions of a resolution of the General Assembly, approved January 24th, 1850, Governor Crittenden contracted with M. Pruden, of Lexington, for the preparation of a suitable block of native marble, to be conveyed to Washington city, to take a place in the monument which is being erected to the memory of WASHINGTON. No price for the work was agreed upon between Governor Crittenden and Mr. Pruden. The block has been faithfully and beautifully executed, and is now ready for transportation. Before this can be done, however, it will be necessary for an appropriation to be made to Mr. Pruden for his services, including the cost of transportation; and I trust that you will make him a fair and liberal compensation, at as early a day as practicable, in order that the block may be speedily forwarded to its destination. I have received, and herewith transmit to you letters from Edgar Needham, Wm. T. Bolles, J. S. Wilson, and G. W. Evans, in relation to the character and value of the work. The block was examined by Messrs. Needham and Bolles at my request. Messrs. Wilson and Evans examined it at the instance of Mr. Pruden. The account rendered by Mr. Pruden is likewise transmitted.

L. W. POWELL.

Ordered, That said message be referred to the committee on Finance.

Leave was given to bring in the following bills, viz :

On motion of Mr. Goodson—1. A bill legalizing the election of certain officers in the town of Independence.

On motion of Mr. Percifull—2. A bill to change and regulate the time of holding the Circuit Courts in the 12th judicial district.

On motion of Mr. Brown—3. A bill for the benefit of Winston B. Mayo, of Johnson county.

The committee on County Courts was directed to prepare and bring in the 2nd ; Messrs. Goodson, Mason, and Shawhan, were appointed a committee to prepare and bring in the 1st ; and Messrs. Brown, Irwin, and Percifull, the 3d.

Mr. Spencer, from the committee on Enrollments, reported that the committee had examined an enrolled bill and resolution, which originated in the Senate, of the following titles, viz :

An act to incorporate the Phoenix Insurance Company at Lexington.

Resolution in relation to the death of Col. E. H. Field.

And had found the same truly enrolled.

Said bill and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approval and signature. After a short time, Mr. Spencer reported that the committee had performed that duty.

The resolution moved by Mr. Spencer, on yesterday, in relation to the debates of the Convention, was taken up.

The question being taken on the adoption of said resolution, it was decided in the negative.

The resolution moved by Mr. Spencer, on yesterday, in relation to the several benevolent institutions, was taken up.

Mr. Irwin moved to lay said resolution on the table, which was decided in the affirmative.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 12, 1851.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz :

An act fixing the time of holding the Owsley and Harlan Circuit Courts.

An act authorizing the Ohio County Court to establish a new election precinct, and change the boundaries of others in said county.

An act to amend an act, entitled, an act to incorporate the Lexington, Owingsville, and Big Sandy Railroad Company.

An act requiring the Master Commissioner in Chancery to execute a bond for the performance of the duties of his office.

An act to incorporate the Rough Creek Navigation and Manufacturing Company.

An act to empower the trustees of Williamsburg to sell a portion of a street in said town.

An act to amend an act, entitled, an act to incorporate Odd Fellows Hall, at Newport, Kentucky, approved February 25th, 1848.

An act for the benefit of the late Clerks of the Circuit and County Courts.

An act making additional voting places in district Nos. 3 and 7; and changing the places of voting in district No. 4, in Greenup county.

An act for closing up certain old roads in Fleming county.

An act for the benefit of the late Sheriffs of the several counties in this State.

Mr. Irwin, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act to authorize a change in the state road leading from the Tennessee river to Columbus.

An act to amend an act incorporating the Maysville and Mountsterling Turnpike Road Company.

An act embodying into one the several acts amending the road law of Campbell county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz :

By Mr. Irwin, from the committee on Internal Improvement—1. A bill to amend the charter of the Shelby Railroad Company.

By Mr. Goodson, from a select committee—2. A bill to legalize the election of the Marshal of the town of Independence.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being

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dispensed with—the 1st was placed in the orders of the day; and the 2nd was ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of the 2d bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Speaker laid before the Senate the annual report of the Kentucky Institution for the education of the Deaf and Dumb, for the year 1851.

[*For Report—See Legislative Documents.*]

Mr. Hooe moved the following resolution, viz :

Resolved, That the Public Printer print thirteen hundred copies of the annual report of the Trustees of the Deaf and Dumb Asylum, at Danville, with the alphabet attached, and that he also neatly put up, in paper covers, one hundred copies for the use of the institution.

Which was adopted.

Ordered, That said report be referred to the committee on Education.

Mr. Gholson moved the following resolution, viz :

Resolved, That the committee on Elections be instructed to inquire into the expediency of reporting a bill, changing the time of electing Magistrates and Constables from May to the first Monday in August, in the years in which vacancies occur.

Which was adopted.

Mr. Gholson moved the following resolution, viz :

Resolved, That a message be sent to the House of Representatives, requesting the appointment of a committee on their part, to act in conjunction with a committee on the part of the Senate, to wait upon the Governor, and ask leave to withdraw an enrolled bill, which originated in the Senate, entitled, “an act to incorporate the Phoenix Insurance Company at Lexington.

And the question being taken on the adoption of said resolution, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and Cunningham, were as follows, viz :

Those who voted in the affirmative, were

Eli Bowarth,	William A. Hooe,	Thompson S. Parks,
William Bradley,	Lewis L. Mason,	Jefferson Percifull,
Wallace W. Brown,	John G. McFarland,	John Shawhan,
Radford M. Cobb,	Isaac P. Miller,	Thomas J. Smith,
Richard D. Gholson,	James P. Orr,	John D. Taylor—15.

Those who voted in the negative, were

Sidney M. Barnes,	John L. Elliott,	Martin D. McHenry,
William J. Berry,	Ira Ellis,	Reuben Munday,
Henry G. Bibb,	John A. Goodson,	James F. Robinson,
Thomas J. Blincoe,	Walker W. Haley,	Samuel A. Spencer,

Abram I. Caldwell,
Joseph S. Conn,
John Cunningham,

Ben. Hardin,
James W. Irwin,
Preston H. Leslie,

Shelby Stone,
John J. Thomasson,
John C. Walker—21.

A message was received from the House of Representatives, requesting the appointment of a committee, on the part of the Senate, to act in conjunction with a committee appointed by the House, to wait upon the Governor, and ask leave to withdraw an enrolled bill, which originated in the Senate, entitled, "an act to incorporate the Phoenix Insurance Company at Lexington."

Mr. Gholson was directed to inform the House of Representatives that the Senate refuse to appoint such committee.

A message in writing was received from the Governor, by Mr. Meriwether, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz :

EXECUTIVE DEPARTMENT,
November 12, 1851. }

*Gentlemen of the Senate
and House of Representatives :*

In setting forth the State debt in my message of the 4th of November, 1851, the Craddock Fund was stated at \$6,592 81 cents. On the 18th day of June, 1851, Hon. Joseph R. Underwood, Trustee for the Craddock Fund, paid into the Treasury the sum of \$2,000, which was not included in the statement. The said sum of \$2,000 should have been added to the \$6,592 81 cents—making the Craddock Fund \$8,592 81 cents—the State debt is consequently \$2,000 larger than it is stated in the message of the 4th of November, 1851. The aforesaid sum of \$2,000 was casually overlooked by the Auditor and myself in estimating the amount of the public debt.

L. W. POWELL.

Ordered, That said message be referred to the committee on Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Leave was given to bring in the following bills, viz :

On motion of Mr. Conn—1. A bill more effectually to suppress the practice of betting on elections.

On motion of Mr. Thomasson—2. A bill authorizing free banking in the Commonwealth of Kentucky.

On motion of Mr. Taylor—3. A bill to amend an act, entitled, "an act to incorporate the Maysville and Big Sandy Railroad Company," approved December 18th, 1850.

On motion of Mr. Brown—4. A bill to change the time of holding Regimental Musters.

On motion of Mr. Hooe—5. A bill to amend the several acts in relation to the town of Salvisa, in Mercer county.

On motion of Mr. Shawhan—6. A bill to invest the County Court of

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Bracken with all the powers, at the November term, that said Court had at the last October term.

The committee on Internal Improvement was directed to prepare and bring in the 3d; the committee on Military Affairs, the 4th; the committee on the Judiciary, the 5th; the committee on County Courts, the 6th; Messrs. Conn, Bibb, and Parks, were appointed a committee to prepare and bring in the 1st; and Messrs. Thomasson, Hardin, McHenry, Irwin, and Mason, the 2nd.

The Speaker, with the consent of the Senate, announced the following change in the standing committees, viz:

Mr. Preston to be chairman of the committee on Federal Relations, and Mr. Taylor to be chairman of the committee on Education.

The Speaker appointed Messrs Leslie, Stone, and Blincoe the committee, in accordance with the resolution moved by Mr. Leslie on the 10th.

The Senate, according to order, took up for consideration the bill to suppress the pernicious practice of treating men with intoxicating liquors for the purpose of influencing their suffrages.

And, after some discussion thereon, the Senate adjourned.

THURSDAY, NOVEMBER 13, 1851.

A message was received from the House of Representatives, announcing that they had passed bills and adopted resolutions of the following titles, viz:

- An act to establish the town of Duncansville.
- An act incorporating the Newport and Cincinnati Bridge Company.
- An act to regulate the duties of Jailers relative to runaway slaves.
- An act to amend an act, entitled, the act concerning free negroes and mulattoes.
- An act to amend the road law in Estill county.
- An act to incorporate Mason Lodge, No. 33, I. O. O. F.
- An act to change the place of voting in Caldwell county, in district No. 4.
- An act declaring Jenny's creek and Grassy creek navigable streams.

An act to authorize the Crittenden County Court to change the state road to Flynn's ferry.

An act to change the place of voting in the 2nd district, in Meade county.

Resolution fixing a day for the election of Senator in Congress.

Resolution requesting the Superintendent of Public Instruction to make a partial report.

Mr. Irw inpresented the petition of George R. Hines and Thomas D. Carson, praying the passage of a law, directing that a settlement should be made with them for work and labor done on Green river.

Which petition was received, the reading thereof dispensed with, and referred to the committee on Finance.

Mr. Irwin, from the committee on Internal Improvement, to whom were referred bills, of the following titles, viz:

1. A bill to appropriate money to the erection of a bridge across Straight creek, in Harlan county.

2. A bill to charter the Louisville and Covington Railroad Company.

Reported the same, with an amendment to the second bill.

Ordered, That the first bill be referred to the committee on Finance, and that the second be placed in the orders of the day.

The following bills were reported from select committees, viz:

By Mr. Brown—1. A bill for the benefit of Winston Mayo, late clerk of Johnson county.

By Mr. Percifull—2. A bill to amend an act, entitled, an act to regulate the retailing of ardent spirits.

The first bill was amended.

Ordered, That each of said bills be referred to the committee on the Judiciary.

Mr. Thomasson moved a reconsideration of the vote rejecting the resolution moved by Mr. Gholson on yesterday.

And the question being taken on reconsidering said vote, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Thomasson and Hooe, were as follows, viz:

Those who voted in the affirmative, were

Eli Bozarth,
William Bradley,
Wallace W. Brown,
Radford M. Cobb,
Richard D. Gholson,
William A. Hooe,

Lewis L. Mason,
John G. McFarland,
Isaac P. Miller,
James P. Orr,
Thompson S. Parks,
Jefferson Percifull,

John Shawhan,
Thomas J. Smith,
Samuel A. Spencer,
John D. Taylor,
John J. Thomasson—17.

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	Preston H. Leslie,
William J. Berry,	Ira Ellis,	Martin D. McHenry,
Henry G. Bibb,	John A. Goodson,	Reuben Munday,
Thomas J. Blincoe,	Walker W. Haley,	James F. Robinson,
Abram I. Caldwell,	Ben. Hardin,	Shelby Stone,
Joseph S. Conn,	James W. Irwin,	John C. Walker—18.

On motion of Mr. Mason, leave was given to bring in a bill to amend the charter of the Southern Bank of Kentucky.

Ordered, That Messrs. Leslie, Mason, and Irwin prepare and bring in said bill.

Mr. Gholson moved the following resolution, viz :

Resolved, That a committee of three be appointed to take charge of the Code of Practice, and make report thereon.

Which was adopted.

The Senate resumed the consideration of a bill to suppress the pernicious practice of treating men with intoxicating liquors, for the purpose of influencing their suffrages.

Said bill reads as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That every member of each house of the General Assembly, and every officer, whether executive, legislative, or judicial, hereafter elected within this commonwealth, by the qualified voters of the whole state, or any county, district, precinct, city, ward, or town thereof, shall, before entering upon the duties of his office, take the following oath or affirmation, to-wit : "I do solemnly swear (or affirm) that I did not, at any time within six months before my election, directly nor indirectly, give or furnish to, or procure for any voter any intoxicating liquor, with the intent thereby to influence his vote, or the vote of any other person or persons for me, or to be withheld from any other candidate ; neither did I, directly nor indirectly, by furnishing means or otherwise, cause the same to be done by any other person or persons, nor in any other way encourage or connive at the doing of the same by any other person or persons for me, or on my account, or in any wise to promote my election as a candidate, or defeat the election of any other candidate."

Mr. Hardin moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Bozarth, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	John Cunningham,	Reuben Munday,
William J. Berry,	John L. Elliott,	James P. Orr,
Henry G. Bibb,	Ira Ellis,	Jefferson Percifull,
Thomas J. Blincoe,	John A. Goodson,	John Shawhan,
Eli Bozarth,	Ben. Hardin,	Thomas J. Smith,
William Bradley,	James W. Irwin,	Shelby Stone,

Wallace W. Brown,
Radford M. Cobb,

John G. McFarland,
Isaac P. Miller,

John D. Taylor,
John J. Thomasson—24.

Those who voted in the negative, were

Abram I. Caldwell,
Joseph S. Conn,
Richard D. Gholson,
Walker W. Haley,

William A. Hooe,
Preston H. Leslie,
Lewis L. Mason,
Martin D. McHenry,

Thompson S. Parks,
James F. Robinson,
Samuel A. Spencer,
John C. Walker—12.

And then the Senate adjourned.

FRIDAY, NOVEMBER 14, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act to regulate the time of holding the Green County Court.

An act to appropriate land warrants in the county of Knox.

An act legalizing the election of the Marshal of the town of Independence.

That they had passed bills and adopted a resolution of the following titles, viz:

An act for the benefit of John Friend and Jacob Fitzpatrick.

An act authorizing the Judge of the Boyle County Court to sell a portion of the Court House lot.

Resolution appointing a joint committee to visit the Lunatic Asylum at Hopkinsville.

Mr. Robinson presented the memorial of the Kentucky State Medical Society, relative to the registration of births, marriages, and deaths.

Which memorial was received, the reading dispensed with, and referred to the committee on the Judiciary.

Mr. McHenry, from the committee on the Judiciary, to whom was referred leave to bring in a bill to increase the jurisdiction of Justices of the Peace in civil cases,

Reported the same with the following resolution, viz:

Resolved, That in the opinion of the committee, the jurisdiction of Justices of the Peace ought not to be increased.

And the question being taken on concurring with the committee in their report, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bibb and Smith, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	James W. Irwin,	James F. Robinson,
Abram I. Caldwell,	Lewis L. Mason,	Shelby Stone,
John A. Goodson,	Martin D. McHenry,	John D. Taylor,
Ben. Hardin,	Isaac P. Miller,	John C. Walker—14.
William A. Hooe,	William Preston,	

Those who voted in the negative, were

William J. Berry,	Ira Ellis,	James P. Orr,
Henry G. Bibb,	Richard D. Gholson,	Thompson S. Parks,
Thomas J. Blincoe,	Walker W. Haley,	John Shewan,
Eli Bozarth,	Preston H. Leslie,	Thomas J. Smith,
William Bradley,	John G. McFarland,	Samuel A. Spencer,
Wallace W. Brown,	Reuben Munday,	John J. Thomasson—19.
Joseph S. Conn,		

Mr. Bibb moved the following resolution, to-wit :

Resolved, That the committee on the Judiciary be instructed to prepare and bring in a bill in accordance with the leave.

Which was adopted.

Mr. Bradley, from the committee on Propositions and Grievances, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act to provide for surveying and re-marking the dividing line between Barren and Edmonson counties.

An act to change the place of voting in district No. 6, in Knox county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Barnes, from the committee on County Courts, reported a bill authorizing the County Court of Bracken to lay the county levy at the November term, 1851.

Which bill was read the first time, and ordered to be read the second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Speaker appointed Messrs. Preston, Gholson, and Bibb, a committee, in pursuance of the resolution offered by Mr. Gholson on yesterday.

Mr. Haley moved the following resolution, viz :

Resolved, That the committee on County Courts be instructed to inquire into the expediency of passing a law, requiring County Judges to execute bond, with security, for the payment of taxes collected by them on law process, and that they report by bill or otherwise.

Which was adopted.

A message was received from the Governor, by Mr. Meriwether, Secretary of State, announcing that he had approved and signed an enrolled resolution, which originated in the Senate, of the following title, viz :

Resolution in relation to the death of Col. E. H. Field.

Approved November 14, 1851.

Leave was given to bring in the following bills, viz :

On motion of Mr. Spencer—1. A bill better to preserve the records of Justices of the Peace.

On motion of Mr. Robinson—2. A bill to incorporate the General Association of Baptists in Kentucky.

The committee on County Courts was directed to prepare and bring in the 1st; and the committee on the Judiciary the 2nd.

The Senate, according to order, took up for consideration a bill authorizing Judges of County Courts to change voting places, and the boundary lines of Justices' districts and voting precincts.

Mr. McHenry moved to amend said bill.

Mr. Haley moved an amendment to the amendment.

Ordered, That said bill and amendments be referred to a select committee, consisting of Messrs. McHenry, Barnes, and Haley.

The Senate took up for consideration a bill more effectually to suppress the practice of gambling.

Ordered, That said bill be made the special order of the day for Thursday next.

The Senate took up for consideration a bill allowing jurors pay for their services before Justices of the Peace.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative; so said bill was rejected.

Bills of the following titles came up in the orders of the day, viz :

A bill to authorize the County Courts of Nelson and Barren counties to subscribe stock in the Louisville and Nashville Railroad Company, approved March 15, 1851.

A bill to require the County Court of Bourbon county to subscribe to the stock of the Covington and Lexington Railroad Company.

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the first time, viz :

1. An act fixing the time of holding the Owsley and Harlan Circuit Courts.

2. An act authorizing the Ohio County Court to establish a new election precinct, and change the boundaries of others in said county.

3. An act to amend an act, entitled, an act to incorporate the Lexington, Owingsville, and Big Sandy Railroad Company.

4. An act requiring the Master Commissioner in Chancery to execute a bond for the performance of the duties of his office.

5. An act to incorporate the Rough Creek Navigation and Manufacturing Company.

6. An act to empower the trustees of Williamsburg to sell a portion of a street in said town.

7. An act to amend an act, entitled, an act to incorporate Odd Fellows Hall, at Newport, Kentucky, approved February 25th, 1848.

8. An act for the benefit of the late Clerks of the Circuit and County Courts.

9. An act making additional voting places in district Nos. 3 and 7; and changing the places of voting in district No. 4, in Greenup county.

10. An act for closing up certain old roads in Fleming county.

11. An act for the benefit of the late Sheriffs of the several counties in this State.

12. An act to establish the town of Duncansville.

13. An act incorporating the Newport and Cincinnati Bridge Company.

14. An act to regulate the duties of Jailers relative to runaway slaves.

15. An act to amend an act, entitled, the act concerning free negroes and mulattoes.

16. An act to amend the road law in Estill county.

17. An act to incorporate Mason Lodge, No. 33, I. O. O. F.

18. An act to change the place of voting in Caldwell county, in district No. 4.

19. An act declaring Jenny's creek and Grassy creek navigable streams.

20. An act to authorize the Crittenden County Court to change the state road to Flynn's ferry.

21. An act to change the place of voting in the 2nd district, in Meade county.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the committee on

County Courts; the 2nd, 9th, and 18th, to the committee on Propositions and Grievances; the 3d, 5th, 10th, 13th, 16th, 19th, and 20th, to the committee on Internal Improvement; the 4th, 6th, 7th, 8th, 12th, 14th, 15th, and 16th, to the committee on the Judiciary; the 11th to the committee on Finance; and the 21st was ordered to be read a third time.

The constitutional provision as to the third reading of the 21st bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A resolution from the House of Representatives requesting the Superintendent of Public Instruction to make a partial report, was taken up, twice read and concurred in.

A resolution from the House of Representatives, fixing the day for the election of a Senator in Congress was taken up.

Said resolution reads as follows, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That the election of a Senator to the Congress of the United States, to fill the vacancy which will occur by the expiration of the time of one of the Senators from Kentucky, on the 4th day of March, 1853, be held on Monday, the 17th day of the present month.

Mr. Hardin moved to postpone the consideration of said resolution, until the first day in December next.

Mr. Stone moved the previous question.

And the question being taken, "shall the main question be now put," it was decided in the affirmative.

The main question was then put, "shall the consideration of said resolution be postponed until the first day of December next," and it was decided in the affirmative.

The yeas and nays being thereon, by Messrs. Hardin and Preston, were as follows, viz :

Those who voted in the affirmative, were

Thomas J. Blincoe,	Ben. Hardin,	Jefferson Percifull,
Eli Bozarth,	William A. Hooe,	John Shawhan,
William Bradley,	Lewis L. Mason,	Thomas J. Smith,
Wallace W. Brown,	John G. McFarland,	Samuel A. Spencer,
John L. Elliott,	Isaac P. Miller,	John J. Thomasson,
Richard D. Gholson,	James P. Orr,	John C. Walker—20.
John A. Goodson,	Thompson S. Parks,	

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	Martin D. McHenry,
William J. Berry,	Ira Ellis,	Reuben Munday,
Henry G. Bibb,	Walker W. Haley,	William Preston,
Abram I. Caldwell,	James W. Irwin,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	Shelby Stone,
Joseph S. Conn,	Thomas N. Lindsey,	John D. Taylor—18.

And then the Senate adjourned.

SATURDAY, NOVEMBER 15, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, "an act to incorporate Friendship Lodge, No. 5, Independent Order of Odd Fellows."

That they had passed a bill, entitled, "an act to divide district No. 4, in Trigg county.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be referred to the committee on Propositions and Grievances.

1. Mr. Irwin presented the petition of sundry citizens of Simpson county in relation to the Louisville and Nashville Railroad.

2. Mr. Parks presented the petition of Edward F. Chappell, praying the passage of a law increasing the fees of Justices of the Peace.

Which petitions were received, the reading dispensed with, and referred—the 1st to the committee on Internal Improvement; and the 2nd to the committee on County Courts.

Mr. McHenry, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act to establish the town of Duncansville.

An act to regulate the duties of Jailers relative to runaway slaves.

An act to empower the trustees of Williamsburg to sell a portion of a street in said town.

An act for the benefit of the late clerks of the late Circuit and County Courts.

Reported the same, with amendments to each, which were concurred in.

Ordered, That said bills, as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act to amend an act, entitled, "an act to incorporate Odd Fellows Hall, of Newport, Kentucky, approved February 25th, 1848.

An act to incorporate Mason Lodge, No. 33, I. O. O. F.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill from the House of Representatives, entitled, "an act requiring the Master Commissioner in Chancery to execute a bond for the performance of the duties of his office, reported the same without amendment.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative; so the said bill was disagreed to.

Mr. McHenry, from the same committee, to whom was referred a bill to amend an act, entitled, "an act to regulate the retailing of ardent spirits," reported the same with an amendment, as a substitute for said bill, which was concurred in.

Ordered, That said bill be placed in the orders of the day, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Irwin, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for closing up certain old roads in Fleming county, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Taylor, from the committee on Education, to whom were referred bills from the House of Representatives, of the following titles, viz:

1. An act to provide for the better regulation and support of the Public Schools in the city of Newport.

2. An act incorporating the Kentucky State Medical Society.

Reported the 1st with, and the 2nd without amendment, which was concurred in.

Ordered, That the 1st be placed in the orders of the day, and that the second be read a third time.

The constitutional provision as to the third reading of the 2d bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid,

The following bills were reported, viz :

By Mr. McHenry, from the committee on the Judiciary—1. A bill authorizing appeals on certain contested elections.

By Mr. Irwin, from the committee on Internal Improvement.—2. A bill to amend the act, entitled, “an act to incorporate the Maysville and Big Sandy Railroad Company, approved December 18th, 1850.

By Mr. Taylor, from the committee on Education—3. A bill to amend an act, entitled, “an act to incorporate the trustees of the Kentucky Baptist Education Society, approved January 15th, 1829.”

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the first be placed in the orders of the day, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Ordered, That the 2nd and 3d bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz :

On motion of Mr. Taylor—1. A bill for the benefit of the Sheriff of Mason county.

On motion of Mr. Bibb—2. A bill to amend an act, entitled, an act to protect the rights of married women.

Ordered, That Messrs. Taylor, Hooe, and Lindsey be appointed a committee to prepare and bring in the 1st; and Messrs. Bibb, Bradley, and Barnes, the 2nd.

Mr. Preston moved a reconsideration of the vote refusing to order to a third reading, “a bill allowing jurors pay for their services before Justices of the Peace.”

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be referred to the committee on the Judiciary.

A bill to charter the Louisville and Covington Railroad Company, with an amendment, as a substitute proposed by the committee on Internal Improvement, came up in the orders of the day. Said amendment was concurred in.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid,

The Speaker laid before the Senate a communication from the President of the Board of Internal Improvement.

Said communication was read, and is as follows, viz :

OFFICE INTERNAL IMPROVEMENT,
FRANKFORT, NOV. 14, 1851. }

HON. JOHN B. THOMPSON,

Lieutenant Governor and Speaker of the Senate :

SIR : Finding a report from this Board is expected by many of the members of the Legislature, I have concluded to state that I am now engaged in that duty. The reports from this Board have always been made on the first of January, each year, and it is desirable to continue that rule ; but, in the meantime, should any information be wanted from this office, it will be furnished whenever called for. That I may not appear negligent in any part of my duty, I will request that this communication be made known to the Senators.

Respectfully,

D. R. HAGGARD,
P. B. I. I.

Bills from the House of Representatives of the following titles, were severally read the first time, viz :

1. An act for the benefit of John Friend and Jacob Fitzpatrick.
2. An act authorizing the judge of the Boyle County Court to sell a portion of the Court House lot.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the committee on Finance ; and the 2nd to the committee on the Judiciary.

And then the Senate adjourned.

MONDAY, NOVEMBER 17, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz :

An act to amend and reduce into one, the several acts concerning private passways in Mercer county.

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An act authorizing the County Court of Bracken to lay the County levy at the November term, 1851.

That they had passed bills of the following titles, viz:

An act to incorporate Campbell Female College, in Campbell county.

An act to repeal an act, entitled, an act further to regulate the town of Paintsville, and for other purposes, approved March 4, 1850.

An act to amend an act to organize County Courts in the several counties, approved March 11, 1851.

An act to amend an act, amendatory to an act, to incorporate the Lebanon, New Market, and Springfield Turnpike Road Company, approved March 5, 1850.

An act in relation to Common School district, No. 12, in Whitley county.

An act to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

An act to amend the charter of the Covington and Lexington Railroad Company.

An act to incorporate McClure Chapter, No. 48, of Royal Arch Masons, in Crittenden, Grant county.

An act amending the charter of the Maysville and Mountsterling Turnpike Road Company.

An act to change the state road from Georgetown to Covington.

An act to change the times of holding Justices' quarterly courts in the county of Washington.

An act for the benefit of mechanics in Monroe county.

An act to change the time of holding the quarterly terms at the Pendleton County Court.

An act to declare Troublesome creek a navigable stream to Samuel Cornett's, in Letcher county.

Mr. Lindsey presented the petition of sundry citizens of the county of Woodford, praying the passage of a law for the more permanent establishment of Common Schools.

Which petition was received, the reading dispensed with, and referred to the committee on Education.

Mr. Irwin, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act declaring Jenny's creek and Grassy creek navigable streams.

An act to authorize the Crittenden County Court to change the state road to Flynn's ferry.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from select committees, viz :

By Mr. Brown—1. A bill to amend the Common School law.

By Mr. Leslie—2. A bill to amend the charter of the Southern Bank of Kentucky.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the committee on Education; and the 2nd was placed in the orders of the day.

Leave was given to bring in the following bills, viz :

On motion of Mr. Preston—1. A bill to incorporate the "Polish House of Israel" in the city of Louisville.

On motion of same—2. A bill regulating the settlement of the accounts of executors, administrators and guardians.

Ordered, That Messrs. Preston, Hardin and Elliott, be appointed a committee to prepare and bring in the first; and Messrs. Preston, Robinson and Hooe, the 2d.

Mr. Lindsey moved the following resolution, viz :

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the 2d section of the act of the Legislature of last session, providing for a change of venue in criminal cases, or of so amending the same, as to require when the cause for the change is to the Judge, that the application for the change of venue be made to another Circuit Judge.

Which was adopted.

Mr. Leslie moved the following resolution, viz :

Whereas, The last Legislature of Kentucky passed an act, entitled, an act to organize County Courts, and it is represented that doubts exist as to the proper construction of said act. Wherefore,

Resolved, That the committee on County Courts be instructed to inquire into the necessity of amending said act, and that they report by bill or otherwise.

Which was adopted.

The Speaker laid before the Senate a report of the Superintendent of the Institution of the Blind, at Louisville.

[For Report—See Legislative Documents.]

Ordered, That the Public Printer print one thousand copies thereof for the use of the Senate.

The Speaker, with the consent of the Senate, announced that Mr. Ber-

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ry would take the place of Mr. McFarland, in the committee on Internal Improvement.

Mr. McHenry moved the following resolution, viz:

Resolved, That the Speaker of the Senate appoint a committee of one member to wait on the House of Representatives, and inform them that the Senate is now ready to proceed to the election of a Senator in Congress, for the term of six years, commencing on the 4th day of March, 1853, according to the provisions of an act of the General Assembly of Kentucky, entitled, "an act to regulate elections," approved March 24th, 1851.

Mr. Stone moved the previous question.

And the question being taken, "shall the main question be now put," it was decided in the affirmative.

The yeas and nays being thereon, by Messrs. Hooe and Smith, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Ira Ellis,	Reuben Munday,
William J. Berry,	Walker W. Haley,	William Preston,
Henry G. Bibb,	James W. Irwin,	James F. Robinson,
Abram I. Caldwell,	Preston H. Leslie,	Shelby Stone,
Radford M. Cobb,	Thomas N. Lindsey,	John D. Taylor,
Joseph S. Conn,	Martin D. McHenry,	John C. Walker—19.
John Cunningham,		

Those who voted in the negative, were

Thomas J. Blincoe,	Richard D. Gholson,	John G. McFarland,
Eli Bozarth,	John A. Goodson,	Thompson S. Parks,
William Bradley,	Ben. Hardin,	John Shawhan,
Wallace W. Brown,	William A. Hooe,	Thomas J. Smith,
John L. Elliott,	Lewis L. Mason,	Samuel A. Spencer—15.

The main question was then put, "shall the resolution be adopted?" and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Gholson and Smith, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Ira Ellis,	Reuben Munday,
William J. Berry,	Walker W. Haley,	William Preston,
Henry G. Bibb,	James W. Irwin,	James F. Robinson,
Abram I. Caldwell,	Preston H. Leslie,	Shelby Stone,
Radford M. Cobb,	Thomas N. Lindsey,	John D. Taylor,
Joseph S. Conn,	Martin D. McHenry,	John C. Walker—19.
John Cunningham,		

Those who voted in the negative, were

Thomas J. Blincoe,	John A. Goodson,	Thompson S. Parks,
Eli Bozarth,	Ben. Hardin,	Jefferson Percifull,
William Bradley,	William A. Hooe,	John Shawhan,
Wallace W. Brown,	Lewis L. Mason,	Thomas J. Smith,
John L. Elliott,	John G. McFarland,	Samuel A. Spencer,
Richard D. Gholson,	Isaac P. Miller,	John J. Thomasson—18.

The Speaker, in accordance with said resolution, appointed Mr. McHenry to inform the House of Representatives, that the Senate had adopted a resolution to proceed forthwith to the election of a Senator in Congress, for the term of six years, commencing on the 4th day of March, 1853.

A message was received from the House of Representatives, by Mr. Wintersmith, informing the Senate that they were now ready to proceed to said election.

Mr. Goodson nominated Mr. William O. Butler, as a proper person to fill the said office of Senator.

Mr. Irwin nominated Mr. Archibald Dixon.

Mr. Stone nominated Mr. George Robertson.

Mr. McHenry nominated Mr. Humphrey Marshall.

After interchanging nominations, the Senate proceeded to take a vote, which stood thus :

Those who voted for Mr. Butler, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John Shawhan,
Wallace W. Brown,	John G. McFarland,	Thomas J. Smith,
John L. Elliott,	Isaac P. Miller,	Samuel A. Spencer,
Richard D. Gholson,	Thompson S. Parks,	John J. Thomasson—16.
John A. Goodson,		

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Joseph S. Conn,	Preston H. Leslie,
William J. Berry,	John Cunningham,	Thomas N. Lindsey,
Henry G. Bibb,	Ira Ellis,	William Preston,
Eli Bozarth,	Walker W. Haley,	John D. Taylor,
Radford M. Cobb,	James W. Irwin,	John C. Walker—15.

Those who voted for Mr. Robertson, were

Abram I. Caldwell,	Reuben Munday,	Shelby Stone—5.
Ben. Hardin,	James F. Robinson,	

For Mr. Marshall—Martin D. McHenry—1.

Messrs. Preston and Irwin were appointed a committee, on the part of the Senate, to compare the joint vote of both Houses, and report the result.

After a short time Mr. Preston reported that the joint vote stood thus :

For Mr. Butler,	-	-	-	-	-	-	60
For Mr. Dixon,	-	-	-	-	-	-	41
For Mr. Robertson,	-	-	-	-	-	-	26
For Mr. Marshall,	-	-	-	-	-	-	8
For Mr. Crittenden,	-	-	-	-	-	-	1

No one in nomination having received a majority of all the votes given, the Senate proceeded to take another vote, and it stood thus :

[Nov. 17.]

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Those who voted for Mr. Butler, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John Shawhan,
Wallace W. Brown,	John G. McFarland,	Thomas J. Smith,
John L. Elliott,	Isaac P. Miller,	Samuel A. Spencer,
Richard D. Gholson,	Thompson S. Parks,	John J. Thomasson—16.
John A. Goodson,		

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Joseph S. Conn,	Preston H. Leslie,
William J. Berry,	John Cunningham,	William Preston,
Henry G. Bibb,	Ira Ellis,	John D. Taylor,
Eli Bozarth,	Walker W. Haley,	John C. Walker—14.
Radford M. Cobb,	James W. Irwin,	

Those who voted for Mr. Robertson, were

Abram I. Caldwell,	Thomas N. Lindsey,	James F. Robinson,
Ben. Hardin,	Reuben Munday,	Shelby Stone—6.

For Mr. Marshall—Martin D. McHenry—1.

The same committee was appointed to compare and report the joint vote, and Mr. Preston reported that the joint vote stood thus :

For Mr. Butler,	- - - - -	60
For Mr. Dixon,	- - - - -	38
For Mr. Robertson,	- - - - -	27
For Mr. Marshall,	- - - - -	10
For Mr. Crittenden,	- - - - -	1

Mr. McHenry read and laid on the table the following resolution, viz :

Resolved by the Senate and House of Representatives, That the further consideration of the subject of electing a Senator in Congress be postponed, and made the special order of the day for Tuesday, the 25th inst.

Mr. Spencer, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, of the followig title, viz :

An act authorizing the County Court of Bracken to lay the county levy at the November term, 1851.

And enrolled bills and resolutions which originated in the House of Representatives, of the following titles, viz :

An act for the benefit of the infant children of John Braxdall, jr., deceased.

An act to provide for changing the place of voting in the 5th district, and for the erection of an additional civil district and election precinct in Christian county.

An act for the benefit of the stockholders in the Carrolton and Eagle Creek Turnpike Road Company.

An act to extend the provisions of an act, entitled, "an act regulating the prices of taking up boats on the Ohio river, approved January 29th, 1829," to all the navigable streams in this State.

An act vesting the County Court of Owen with power to change the location of a part of the State road leading from Covington to Louisville.

An act to authorize a change in the state road leading from the Tennessee river to Columbus.

An act embodying into one the several acts amending the road law of Campbell county.

An act to incorporate Boyle Lodge, No. 36, I. O. O. F., at Perryville.

An act to incorporate the trustees of Centre Point Meeting House in Monroe county.

An act for the benefit of Samuel Haycraft.

An act for the benefit of John Elliott, and Mary Ann Elliott his wife, of Fleming county.

An act for the benefit of George Dunn, Jailer of McCracken county.

An act to amend an act incorporating the Maysville and Mount-sterling Turnpike Road Company.

An act to provide for surveying and re-marking the dividing line between Barren and Edmonson counties.

An act to change the place of voting in district No. 6, in Knox county.

An act to change the place of voting in the 2nd district, in Meade county.

Resolution appointing a joint committee to visit the Institution for the Blind, at Louisville.

Resolution appointing a joint committee to visit the Lunatic Asylum, at Lexington.

Resolution appointing a joint committee to visit the Deaf and Dumb Asylum, at Danville.

Resolution requesting the Superintendent of Public Instruction to make a partial report.

And had found the same truly enrolled.

Said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approval and signature. After a short time, Mr. Spencer reported that the committee had performed that duty.

And then the Senate adjourned.

TUESDAY, NOVEMBER 18, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz :

An act to provide for changing the place of voting in the 5th district, and for the erection of an additional civil district and election precinct in Christian county.

An act to prescribe the term of office for the inferior offices of this Commonwealth.

That they had passed bills of the following titles, viz :

1. An act to incorporate Mangum Lodge, No. 21, Independent Order of Odd Fellows.

2. An act to incorporate Forest Spring College, in Allen county.

3. An act dividing school district, No. 58, in Adair county.

4. An act to amend the charter of the Union and Florence Turnpike Road Company.

5. An act to incorporate the Union and Beaver Turnpike Road Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills having been dispensed with—the 1st was referred to the committee on the Judiciary; the 2nd to the committee on Education; the 3d to the committee on Propositions and Grievances; and the 4th and 5th to the committee on Internal Improvement.

Mr. McHenry, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, "an act to amend the act, entitled, an act concerning free negroes and mulattoes," reported the same without amendment.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative; so the said bill was disagreed to.

Mr. McHenry, from the same committee, to whom was referred a bill allowing jurors pay for their services before Justices of the Peace, reported the same with an amendment, which was concurred in.

Mr. Leslie moved further to amend said bill, which was adopted.

Mr. Haley moved further to amend said bill, which was adopted.

Ordered, That said bill and amendments be placed in the orders of the day.

Mr. McHenry, from the same committee, to whom was referred a bill from the House of Representatives, entitled, "an act authorizing the Judge of the Boyle County Court to sell a portion of the Court House lot," reported the same with an amendment, as a substitute for said bill, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred leave to bring in a bill, to amend an act, entitled, "an act to amend the charter of the city of Lexington," asked to be discharged from the further consideration of the same, which was granted.

Mr. Bradley, from the committee on Propositions and Grievances, to whom were referred bills from the House of Representatives, of the following titles, viz :

1. An act to change the place of voting in Caldwell county, in district No. 4.

2. An act to divide district No. 4, in Trigg county.

3. An act authorizing the Ohio County Court to establish a new election precinct, and change the boundaries of others in said county.

Reported the same without amendment.

Ordered, That the 3d be referred to the committee on the Judiciary, and the 1st and 2nd bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz :

1. An act to amend an act, entitled, an act to incorporate the Lexington, Owingsville, and Big Sandy Railroad Company.

2. An act to incorporate the Rough Creek Navigation and Manufacturing Company.

Reported the 1st without, and the 2nd with an amendment, which was concurred in.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Bradley, from the committee on Propositions and Grievances—

1. A bill to add part of the county of Ohio to Daviess county.

By Mr. Gholson—2. A bill to change the time of electing Justices of the Peace and Constables.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st was placed in the orders of the day; and the 2nd was referred to the committee on the Judiciary.

Mr. Hardin, from the committee on Finance, reported a bill for the benefit of Mahlon Pruden and others, which was read the first time, as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*. That there be paid out of the public treasury the following sums of money to Mahlon Pruden, for a block of stone cut by him for the Washington monument, now erecting in the city of Washington, two thousand six hundred dollars; to Edgar Needham, who was sent by the Governor from Louisville to Lexington, to examine said block, twenty dollars; to William T. Bowles, who was sent by the Governor from Frankfort to Lexington, to examine said block, seven dollars and fifty cents.

§ 2. That before said Pruden is paid said sum of two thousand six hundred dollars allowed to him in the first section of this bill, he shall execute bond, in the Secretary's office, with three or more good securities, to be approved of by the Governor, in the penalty of five thousand two hundred dollars, to deliver said block of stone safe to William Dougherty, superintendent of the work in erecting said monument, and bring to the Secretary the said superintendent's receipt, that said block was safely delivered, and on failure to do that, then said bond shall bind said Pruden and securities to refund to the treasury said two thousand six hundred dollars.

Ordered, That said bill be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,
Henry G. Bibb,
Abram I. Caldwell,

John A. Goodson,
Walker W. Haley,
Ben. Hardin,

Martin D. McHenry,
Jefferson Percifull,
William Preston,

Joseph S. Conn,
John Cunningham,
John L. Elliott,
Ira Ellis,

James W. Irwin,
Preston H. Leslie,
Thomas N. Lindsey,
Lewis L. Mason,

James F. Robinson,
John J. Thomasson,
John C. Walker—20.

Those who voted in the negative, were

William J. Berry,
Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Wallace W. Brown,
Radford M. Cobb,

Richard D. Gholson,
William A. Hooe,
John G. McFarland,
Reuben Munday,
James P. Orr,
Thompson S. Parks,

John Shawhan,
Thomas J. Smith,
Samuel A. Spencer,
Shelby Stone,
John D. Taylor—17.

Leave was given to bring in the following bills, viz :

On motion of Mr. Robinson—1. A bill to amend an act, entitled, an act to incorporate the Georgetown and Lemon's Mill Turnpike Road Company, approved 24th March, 1851.

On motion of Mr. Taylor—2. A bill to regulate Ferries and Ferry rates.

On motion of Mr. Gholson—3. A bill to define the duties of the Marshal in the town of Blandville.

Ordered, That the committee on Internal Improvement prepare and bring in the 1st; the committee on the Judiciary, the 2nd; and Messrs. Gholson, Berry, and Spencer, the 3d.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz :

By Mr. Conn—1. A bill more effectually to suppress the practice of betting on elections.

By Mr. Bibb—2. A bill to change the time of holding the Christian county Chancery Court.

By Mr. Gholson—3. A bill to amend and define the powers of the Marshal of the town of Blandville, in Ballard county.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st be referred to the committee on the Judiciary; and that the 2nd and 3d be engrossed and read a third time.

The constitutional provision as to the third reading of the 2nd and 3d bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were read the first time, viz :

1. An act to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

2. An act to incorporate Campbell Female College, in Campbell county.
3. An act to repeal an act, entitled, an act further to regulate the town of Paintsville, and for other purposes, approved March 4, 1850.
4. An act to amend an act to organize County Courts in the several counties, approved March 11, 1851.
5. An act to amend an act, amendatory to an act, to incorporate the Lebanon, New Market, and Springfield Turnpike Road Company, approved March 5, 1850.
6. An act in relation to Common School district, No. 12, in Whitley county.
7. An act to amend the charter of the Covington and Lexington Railroad Company.
8. An act to incorporate McClure Chapter, No. 48, of Royal Arch Masons, in Crittenden, Grant county.
9. An act amending the charter of the Maysville and Mountsterling Turnpike Road Company.
10. An act to change the state road from Georgetown to Covington.
11. An act to change the times of holding Justices' quarterly courts in the county of Washington.
12. An act for the benefit of mechanics in Monroe county.
13. An act to change the time of holding the quarterly terms of the Pendleton County Court.
14. An act to declare Troublesome creek a navigable stream to Samuel Cornett's, in Letcher county.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st, 5th, 7th, 9th, 10th, and 14th, were referred to the committee on Internal Improvement; the 2nd and 6th to the committee on Education; the 3d, 8th, and 12th, to the committee on the Judiciary; and the 4th, 11th, and 13th, to the committee on County Courts.

The Senate took up for consideration a resolution from the House of Representatives, appointing a joint committee to visit the second Lunatic Asylum at Hopkinsville.

And the question being taken on concurring in said resolution, it was decided in the negative.

The Senate took up for consideration a bill from the House of Representatives, entitled, "an act to provide for the better regulation and support of the public schools in the city of Newport," as amended.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, by Mr. Wintersmith, announcing that they were ready to proceed to the election of a Senator in Congress.

The Senate proceeded to take another vote, which stood thus :

Those who voted for Mr. Marshall, were

Martin D. McHenry,	Isaac P. Miller,	William Preston—3.
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Those who voted for Mr. Butler, were

Thomas J. Blincoe,	John A. Goodson,	Jefferson Percifull,
William Bradley,	William A. Hooe,	John Shawhan,
Wallace W. Brown,	Lewis L. Mason,	Thomas J. Smith,
John L. Elliott,	John G. McFarland,	Samuel A. Spencer,
Richard D. Gholson,	Thompson S. Parks,	John J. Thomasson—15.

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Radford M. Cobb,	James W. Irwin,
William J. Berry,	Joseph S. Conn,	Thomas N. Lindsey,
Henry G. Bibb,	Ira Ellis,	John D. Taylor,
Eli Bozarth,	Walker W. Haley,	John C. Walker—12.

Those who voted for Mr. Robertson, were

Abram I. Caldwell,	Ben. Hardin,	James F. Robinson,
John Cunningham,	Reuben Munday,	Shelby Stone—6.

For Mr. Thompson—Preston H. Leslie—1.

Messrs. Irwin and Robinson were appointed a committee to prepare and report the joint vote.

After a short time Mr. Irwin reported that the joint vote stood thus :

For Mr. Butler,	-	-	-	-	-	59
For Mr. Dixon,	-	-	-	-	-	31
For Mr. Robertson,	-	-	-	-	-	26
For Mr. Marshall,	-	-	-	-	-	18
For Mr. Thompson,	-	-	-	-	-	1
For Mr. Crittenden,	-	-	-	-	-	1

Mr. Goodson withdrew the nomination of Mr. Butler.

Mr. Hooe nominated George A. Caldwell.

Mr. McHenry withdrew the nomination of Mr. Marshall.

Mr. Caldwell nominated John B. Thompson.

After an interchange of nominations, the Senate proceeded to take another vote, which stood thus :

Those who voted for Mr. Caldwell, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John Shawhan,
Wallace W. Brown,	John G. McFarland,	Thomas J. Smith,
John L. Elliott,	Isaac P. Miller,	Samuel A. Spencer,
Richard D. Gholson,	James P. Orr,	John J. Thomasson—17.
John A. Goodson,	Thompson S. Parks,	

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Radford M. Cobb,	William Preston,
William J. Berry,	Ira Ellis,	John D. Taylor,
Henry G. Bibb,	James W. Irwin,	John C. Walker—10.
Eli Bozarth,		

Those who voted for Mr. Robertson, were

Ben. Hardin,	James F. Robinson,	Shelby Stone—4.
Reuben Munday,		

Those who voted for Mr. Thompson, were

Abram I. Caldwell,	Walker W. Haley,	Thomas N. Lindsey,
Joseph S. Conn,	Preston H. Leslie,	Martin D. McHenry—7.
John Cunningham,		

The same committee was appointed to compare and report the joint vote.

After a short time, Mr. Irwin reported that the joint vote stood thus :

For Mr. Caldwell,	- - - - -	60
For Mr. Dixon,	- - - - -	36
For Mr. Robertson,	- - - - -	22
For Mr. Thompson,	- - - - -	19

The name of Mr. Caldwell was withdrawn.

Mr. Orr nominated Beverly L. Clarke.

Mr. Stone withdrew the nomination of Mr. Robertson.

After an interchange of nominations, the Senate proceeded to take another vote, which stood thus :

Those who voted for Mr. Clarke, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John Shawan,
Wallace W. Brown,	John G. McFarland,	Thomas J. Smith,
John L. Elliott,	Isaac P. Miller,	Samuel A. Spencer,
Richard D. Gholson,	James P. Orr,	John J. Thomasson—17.
John A. Goodson,	Thompson S. Parks,	

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Joseph S. Conn,	William Preston,
Henry G. Bibb,	Ira Ellis,	John D. Taylor,
Eli Bozarth,	James W. Irwin,	John C. Walker—11.
Radford M. Cobb,	Reuben Munday,	

Those who voted for Mr. Thompson, were

William J. Berry,	Ben. Hardin,	Martin D. McHenry,
Abram I. Caldwell,	Preston H. Leslie,	James F. Robinson,
John Cunningham,	Thomas N. Lindsey,	Shelby Stone—10.
Walker W. Haley,		

The same committee were appointed to prepare and report the joint vote.

After a short time Mr. Irwin reported that the joint vote stood thus :

For Mr. Clarke.	-	-	-	-	-	-	-	61
For Mr. Dixon,	-	-	-	-	-	-	-	42
For Mr. Thompson,	-	-	-	-	-	-	-	34

The name of Mr. Clarke was withdrawn.

Mr. Orr nominated Mr. Francis P. Stone.

After an interchange of nominations, the Senate proceeded to take another vote, which stood thus :

Those who voted for Mr. Stone, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John Shawhan,
Wallace W. Brown,	John G. McFarland,	Thomas J. Smith,
John L. Elliott,	Isaac P. Miller,	Samuel A. Spencer,
Richard D. Gholson,	James P. Orr,	John J. Thomasson—17.
John A. Goodson,	Thompson S. Parks,	

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Radford M. Cobb,	Reuben Munday,
William J. Berry,	Joseph S. Conn,	William Preston,
Henry G. Bibb,	Ira Ellis,	John D. Taylor,
Eli Bozarth,	James W. Irwin,	John C. Walker—12.

Those who voted for Mr. Thompson, were

Abram I. Caldwell,	Ben. Hardin,	Martin D. McHenry,
John Cunningham,	Preston H. Leslie,	James F. Robinson,
Walker W. Haley,	Thomas N. Lindsey,	Shelby Stone—9.

The same committee were appointed to compare and report the joint vote.

After a short time, Mr. Irwin reported that the joint vote stood thus :

For Mr. Stone,	-	-	-	-	-	-	-	60.
For Mr. Dixon,	-	-	-	-	-	-	-	49
For Mr. Thompson,	-	-	-	-	-	-	-	28
For Garrett Davis,	-	-	-	-	-	-	-	1

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 19, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz :

An act for the benefit of the Sheriff of Ohio county.

An act to authorize Constables in the city of Covington to appoint deputies.

With amendments to the last named bill.

That they had passed bills of the following titles, viz :

An act for the benefit of John W. Hawes, Sheriff of Lawrence county.

An act for the benefit of the Sheriff of Butler county.

An act for the benefit of the Sheriff of Breathitt county.

An act for the benefit of Common School districts.

An act for the benefit of persons holding lands, lying back of other lands in the vicinity of any of the navigable streams in this State.

An act to amend an act, entitled, an act to amend the laws regulating the town of Millersburg, in the county of Bourbon.

Mr. Shawhan presented the petition of sundry citizens of Fayette, Scott, Grant, and Kenton counties, praying the passage of a law, granting them certain privileges on the Lexington and Covington turnpike road.

Which petition was received, the reading dispensed with, and referred to the committee on Propositions and Grievances.

Mr. McHenry, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate Mangum Lodge, No. 21, Independent Order of Odd Fellows, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act incorporating the Newport and Cincinnati Bridge Company, reported the same with amendments, which were concurred in.

Mr. Robinson moved further to amend said bill, which was adopted.

Ordered, That said bill, as amended, be placed in the orders of the day.

Mr. McHenry, from the committee on the Judiciary, to whom was referred a bill to change the time of electing Justices of the Peace and Constables, reported the same with an expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative.

Mr. McHenry, from the committee on the Judiciary, reported a bill to prevent the use of concealed weapons.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Miller moved to lay said bill on the table, which was decided in the negative.

The yeas and nays being required thereon, by Messrs. Miller and Preston, were as follows, viz :

Those who voted in the affirmative, were

Ira Ellis,	John G. McFarland,	John Shawhan,
Lewis L. Mason,	Isaac P. Miller,	Shelby Stone—6.

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	Martin D. McHenry,
William J. Berry,	John L. Elliott,	Reuben Munday,
Henry G. Bibb,	Richard D. Gholson,	James P. Orr,
Thomas J. Blincoe,	John A. Goodson,	Jefferson Percifull,
Eli Bozarth,	Walker W. Haley,	William Preston,
William Bradley,	Ben. Hardin,	James F. Robinson,
Wallace W. Brown,	William A. Hooe,	Thomas J. Smith,
Abram I. Caldwell,	James W. Irwin,	Samuel A. Spencer,
Radford M. Cobb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	Thomas N. Lindsey,	John C. Walker—30.

Ordered, That said bill be placed in the orders of the day, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. McHenry, from the same committee, reported a bill to amend an act, approved 24th March, 1851, entitled, an act to regulate elections.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be placed in the orders of the day, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Preston, from a select committee, reported a bill to incorporate the Polish House of Israel.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as afore-said.

Mr. McHenry, from the committee on the Judiciary, asked to be discharged from the further consideration of a resolution offered by Mr. Lindsey, on the 17th inst., in relation to a change of venue in criminal cases, which was granted.

Leave was given to bring in the following bills, viz.

On motion of Mr. Hooe—1. A bill for the benefit of the present Constable, in district No. 6, in Mercer county.

On motion of Mr. Preston—2. A bill to regulate the quarterly terms of Justices of the Peace.

On motion of Mr. Taylor—3. A bill to amend the charter of the town of East Maysville.

On motion of Mr. Leslie—4. A bill repealing all laws now in existence requiring Constables, Commissioners of Tax, County Attorneys, and Clerks, to be commissioned by the Governor.

On motion of same—5. A bill for the benefit of certain Common School districts in Barren and Monroe counties.

On motion of Mr. Lindsey—6. A bill to allow the County Court of Franklin to subscribe stock in turnpike roads, and to build bridges in said county.

On motion of Mr. Elliott—7. A bill to improve the navigation of Little Sandy, in Carter and Greenup counties.

Ordered, That Messrs. Hooe, Caldwell, and Munday, be appointed a committee to prepare and bring in the 1st; Messrs. Preston, Leslie, and Robinson, the 2nd; Messrs. Leslie, Barnes, and Walker, the 4th; that the committee on the Judiciary be instructed to prepare and bring in the 3d; the committee on Finance the 5th; and the committee on Internal Improvement the 6th and 7th.

Mr. Spencer, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, entitled, an act regulating changes of venue from County Courts.

And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approval and signature. After a short time, Mr. Spencer reported that the committee had performed that duty.

The Senate took up for consideration a bill to amend the charter of the Southern Bank of Kentucky.

Mr. Gholson moved an amendment to said bill, which was adopted.

Mr. Hooe moved further to amend said bill.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hooe and Parks, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Walker W. Haley,	Thompson S. Parks,
Thomas J. Blincoe,	Ben. Hardin,	James F. Robinson,
Eli Bozarth,	William A. Hooe,	John Shawhan,
Abram I. Caldwell,	Preston H. Leslie,	Samuel A. Spencer,
Radford M. Cobb,	Martin D. McHenry,	Shelby Stone,
John L. Elliott,	Isaac P. Miller,	John D. Taylor—20.
Richard D. Gholson,	Reuben Munday,	

Those who voted in the negative, were

William J. Berry,	Ira Ellis,	James P. Orr,
Henry G. Bibb,	John A. Goodson,	Jefferson Percifull,
William Bradley,	James W. Irwin,	William Preston,
Joseph S. Conn,	Thomas N. Lindsey,	Thomas J. Smith,
John Cunningham,	Lewis L. Mason,	John C. Walker—15.

Mr. Haley moved to reconsider said vote, and it was decided in the affirmative.

Mr. Lindsey moved the following resolution, viz :

Resolved, That the committee on Internal Improvement be instructed to inquire into the propriety of requiring all railroad companies in this Commonwealth, or the owners of lands adjacent to the roads, to make such enclosures of their roads or lands by fences or protections, as will prevent stock from getting on the railroad tracks ; and also to inquire into the propriety of making said road companies or owners of lands responsible for damages occurring by reason of stock being on the roads, and that they report by bill or otherwise.

Which was adopted.

Mr. McHenry moved the following resolution, viz :

Resolved, That the committee on County Courts be instructed to inquire into the expediency of transferring the jurisdiction exercised by presiding judges of County Courts at their quarterly terms, to the County Courts, and providing that the clerks of the County Courts shall keep the records of all matters arising under said jurisdiction ; and that they report by bill or otherwise.

Which was adopted.

Mr. Irwin moved the following resolution, viz :

Resolved, That the committee on the Judiciary be instructed to inquire into the powers of the General Assembly to sell the stock owned and held by the commonwealth in roads, rivers, &c., and re-invest the same in other stock. And whether or not the 34th section 2d article of the constitution inhibits such action, until the State debt be paid.

Which was adopted.

A message was received from the House of Representatives, an-

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nouncing that they were ready to proceed to the election of a Senator in Congress.

Mr. Orr withdrew the name of Mr. Stone.

Mr. Hooe nominated David Meriwether.

Mr. Caldwell withdrew the name of Mr. Thompson.

Mr. McHenry nominated Mr. John J. Crittenden.

After an interchange of nominations, the Senate proceeded to take another vote, which stood thus :

Those who voted for Mr. Meriwether, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John Shawhan,
Wallace W. Brown,	John G. McFarland,	Thomas J. Smith,
John L. Elliott,	Isaac P. Miller,	Samuel A. Spencer,
Richard D. Gholson,	James P. Orr,	John J. Thomasson—17.
John A. Goodson,	Thompson S. Parks,	

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Ira Ellis,	Reuben Munday,
William J. Berry,	Walker W. Haley,	William Preston,
Eli Bozarth,	James W. Irwin,	John D. Taylor—10.
Joseph S. Conn,		

Those who voted for Mr. Crittenden, were

Henry G. Bibb,	Ben. Hardin,	James F. Robinson,
Abram I. Caldwell,	Preston H. Leslie,	Shelby Stone,
Radford M. Cobb,	Thomas N. Lindsey,	John C. Walker—11.
John Cunningham,	Martin D. McHenry,	

And then the Senate adjourned.

THURSDAY, NOVEMBER 20, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, "an act to charter the Louisville and Covington Railroad Company."

That they had passed bills of the following titles, viz :

An act for the benefit of the trustees of the town of Hartford.

An act authorizing the Master Commissioners in Chancery to hold the County Courts in certain cases.

An act to amend an act to authorize the sale of the estate of infants and *femes covert*, approved March 24th, 1851.

An act to incorporate the Estill Springs Company.

An act to create the office of Marshal of the town of Hartford.

An act to allow a Marshal in the town of Harrisonville, Shelby county.

Mr. Taylor presented the petition of sundry citizens of the town of Washington, Mason county, praying the passage of a law authorizing the Sheriff of said county to pay over to the trustees of the town of Washington, certain funds for educational purposes.

Which petition was received, the reading dispensed with, and referred to the committee on County Courts.

Mr. McHenry, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, "an act to incorporate McClure Chapter, No. 48, of Royal Arch Masons, in Crittenden and Grant counties," reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read, "an act to incorporate McClure Chapter, No. 48, of Royal Arch Masons, in Crittenden, Grant county."

Mr. McHenry, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to repeal an act, entitled, an act further to regulate the town of Paintsville, and for other purposes, approved March 4th, 1850, reported the same with an expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative; so the said bill was disagreed to.

Mr. Barnes, from the committee on County Courts, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to change the times of holding Justices' quarterly courts in the county of Washington.

An act to change the time of holding the quarterly terms of the Pendleton County Court.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin, from the committee on Internal Improvement, to whom

were referred bills from the House of Representatives, of the following titles, viz :

An act to amend the charter of the Covington and Lexington Railroad Company.

An act to incorporate the Union and Beaver Turnpike Road Company.

An act to change the state road leading from Georgetown to Covington.

An act amending the charter of the Maysville and Mountsterling Turnpike Road Company.

An act to amend the charter of the Union and Florence Turnpike Road Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, amendatory an act to incorporate the Lebanon, New Market, and Springfield Turnpike Road Company, approved March 5, 1850.

Reported the same with the following resolution, viz :

Resolved, That the committee be discharged from the further consideration of said bill ; which was adopted.

Mr. McHenry, from the committee on the Judiciary, reported a bill to provide for and secure the registration of births, deaths and marriages in Kentucky.

Which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be placed in the orders of the day, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The following bills were reported, viz :

By Mr. Irwin, from the committee on Internal Improvement—A bill to allow the County Court of Franklin to subscribe stock in turnpikes, and for other purposes.

By same—A bill to amend an act, entitled, an act to incorporate the Georgetown and Lemon's Mill Turnpike Road Company, approved 24th March, 1851.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Lindsey, from the committee on Internal Improvement, reported a bill to require Railroad Companies, and owners of land adjacent thereto to enclose their roads and lands.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be placed in the orders of the day, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Hardin, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Versailles, Fire, Life, and Marine Insurance Company, reported the same with an amendment; pending the consideration of which, the hour arrived for taking up the orders of the day.

The Senate took up for consideration a bill to amend the charter of the Southern Bank of Kentucky, with the amendments proposed thereto.

Mr. Hooe withdrew the amendment offered on yesterday.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate, according to order, took up for consideration a bill more effectually to suppress the practice of gambling.

Ordered, That said bill be made the special order of the day for the 24th inst.

A message was received from the House of Representatives announcing that they were now ready to proceed to the election of a Senator in Congress.

After a short time, Mr. Irwin, from the committee appointed to compare the vote of the two houses, reported that the 7th vote stood thus:

For Mr. Meriwether,	-	-	-	-	-	62
For Mr. Dixon,	-	-	-	-	-	31
For Mr. Crittenden,	-	-	-	-	-	43

At twenty-five minutes past 12, Mr. Caldwell moved that the Senate do now adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hooe and Smith, were as follows, viz:

Those who voted in the affirmative, were

Abram I. Caldwell,
Radford M. Cobb,
John Cunningham,

Ben. Hardin,
Preston H. Leslie,
Thomas N. Lindsey,

James F. Robinson,
John D. Taylor—8.

Those who voted in the negative, were

Sidney M. Barnes,
William J. Berry,
Henry G. Bibb,
Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Wallace W. Brown,
Joseph S. Conn,
Richard D. Gholson,

John A. Goodson,
William A. Hooe,
James W. Irwin,
Lewis L. Mason,
John G. McFarland,
Martin D. McHenry,
Reuben Munday,
James P. Orr,

Thompson S. Parks,
Jefferson Percifull,
William Preston,
John Shawhan,
Thomas J. Smith,
Samuel A. Spencer,
Shelby Stone,
John J. Thomasson—25.

Mr. McHenry offered the following resolution, viz:

Resolved by the Senate and House of Representatives, That the further consideration of the election of a Senator in Congress be postponed, and made the joint order for the 27th inst.

The Speaker decided that the motion was not in order—the resolution being a joint one, must by a rule of the Senate lie one day on the table.

From this decision Mr. McHenry appealed as follows:

"I move that the Senate now take up the resolution just offered. The Chair decides this cannot be done without a vote of two-thirds of those present dispensing with the orders of the day, the two Houses being now engaged in the joint order, the election of a United States Senator."

Mr. Shawhan moved the previous question.

The question was then taken, "shall the main question be now put?" and it was decided in the affirmative.

The main question was then put, "shall the decision of the Chair stand as the judgment of the Senate?"

The yeas and nays being required thereon by Messrs. Cunningham and Smith, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,
William J. Berry,
Henry G. Bibb,
Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Wallace W. Brown,
Radford M. Cobb,
John L. Elliott,

Ira Ellis,
Richard D. Gholson,
John A. Goodson,
William A. Hooe,
Preston H. Leslie,
Lewis L. Mason,
John G. McFarland,
Reuben Munday,
James P. Orr,

Thompson S. Parks,
Jefferson Percifull,
William Preston,
James F. Robinson,
John Shawhan,
Thomas J. Smith,
Samuel A. Spencer,
Shelby Stone—26.

Those who voted in the negative, were

Abram I. Caldwell,	Thomas N. Lindsey,	John D. Taylor,
John Cunningham,	Martin D. McHenry,	John J. Thomasson—6.

At ten minutes past 1, Mr. Robinson moved an adjournment, which was decided in the negative.

The yeas and nays being required thereon by Messrs. Barnes and Smith, were as follows, viz :

Those who voted in the affirmative, were

Abram I. Caldwell,	Ben. Hardin,	James F. Robinson,
John Cunningham,	Preston H. Leslie,	John D. Taylor,
John L. Elliott,	Thomas N. Lindsey,	John J. Thomasson,
Richard D. Gholson,	Martin D. McHenry,	John C. Walker—12.

Those who voted in the negative, were

Sidney M. Barnes,	Joseph S. Conn,	James P. Orr,
William J. Berry,	Ira Ellis,	Thompson S. Parks,
Henry G. Bibb,	John A. Goodson,	Jefferson Percifull,
Thomas J. Blincoe,	William A. Hooe,	William Preston,
Eli Bozarth,	James W. Irwin,	John Shawhan,
William Bradley,	Lewis L. Mason,	Thomas J. Smith,
Wallace W. Brown,	John G. McFarland,	Samuel A. Spencer,
Radford M. Cobb,	Reuben Munday,	Shelby Stone—24.

Ordered, That Messrs. Preston and Robinson inform the House of Representatives that the Senate is now ready to proceed to the election of a Senator in Congress.

Mr. McHenry withdrew the nomination of Mr. Crittenden.

Mr. Cunningham nominated Mr. John L. Helm.

Mr. Caldwell, at twenty-five minutes past 1 o'clock, moved an adjournment, which was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and Smith, were as follows, viz :

Those who voted in the affirmative, were

Wallace W. Brown,	William A. Hooe,	Jefferson Percifull,
Abram I. Caldwell,	Thomas N. Lindsey,	James F. Robinson,
John Cunningham,	Martin D. McHenry,	John D. Taylor,
John L. Elliott,	James P. Orr,	John J. Thomasson,
Richard D. Gholson,	Thompson S. Parks,	John C. Walker—16.
Ben. Hardin,		

Those who voted in the negative, were

Sidney M. Barnes,	Joseph S. Conn,	Reuben Munday,
William J. Berry,	Ira Ellis,	William Preston,
Henry G. Bibb,	John A. Goodson,	John Shawhan,
Thomas J. Blincoe,	James W. Irwin,	Thomas J. Smith,
Eli Bozarth,	Preston H. Leslie,	Samuel A. Spencer,
William Bradley,	John G. McFarland,	Shelby Stone—19.
Radford M. Cobb,		

Mr. Lindsey moved a call of the Senate, which was decided in the negative.

Mr. Hooe, at thirty-five minutes past 1 o'clock, moved an adjournment, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barnes and Leslie, were as follows, viz:

Those who voted in the affirmative, were

Thomas J. Blincoe,	Ben. Hardin,	Thompson S. Parks,
William Bradley,	William A. Hooe,	Jefferson Percifull,
Wallace W. Brown,	Preston H. Leslie,	James F. Robinson,
Abram I. Caldwell,	Thomas N. Lindsey,	Shelby Stone,
Radford M. Cobb,	Lewis L. Mason,	John D. Taylor,
John Cunningham,	Martin D. McHenry,	John J. Thomasson,
John L. Elliott,	James P. Orr,	John C. Walker—22.
John A. Goodson,		

Those who voted in the negative, were

Sidney M. Barnes,	Joseph S. Conn,	Reuben Munday,
William J. Berry,	Ira Ellis,	William Preston,
Henry G. Bibb,	James W. Irwin,	John Shawhan,
Eli Bozarth,	John G. McFarland,	Samuel A. Spencer—12.

And then the Senate adjourned.

FRIDAY, NOVEMBER 21, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act to amend the charter of the Southern Bank of Kentucky.

An act to change the time of holding the Christian County Chancery Court.

An act to amend and define the powers of the Marshal of the town of Blandville, in Ballard county.

That they had passed bills of the following titles, viz:

An act to legalize the acts of certain officers.

An act for the benefit of Elisha Breeding.

Mr. McHenry, from the committee on the Judiciary, reported a bill allowing appeals from orders of County Courts fixing ferry rates, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Shelbyville and Louisville Turnpike Road Company, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hooe, from a select committee, reported a bill to authorize J. C. Vanarsdale, a Constable in district No. 6, in Mercer county, to appoint a deputy.

Mr. Leslie moved that said bill be referred to the committee on the Judiciary, with instructions to report a bill repealing all laws authorizing the appointment of Deputy Constables.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Leslie and Barnes, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Joseph S. Conn,	John G. McFarland,
William J. Berry,	John Cunningham,	James P. Orr,
Henry G. Bibb,	Ira Ellis,	John Shawhan,
Thomas J. Blincoe,	Richard D. Gholson,	Thomas J. Smith,
Eli Bozarth,	James W. Irwin,	John D. Taylor,
William Bradley,	Preston H. Leslie,	John C. Walker—20.
Radford M. Cobb,	Lewis L. Mason,	

Those who voted in the negative, were

Wallace W. Brown,	Thomas N. Lindsey,	Jefferson Pereifull,
Abram I. Caldwell,	Martin D. McHenry,	James F. Robinson,
John A. Goodson,	Isaac P. Miller,	Samuel A. Spencer,
Ben. Hardin,	Reuben Munday,	Shelby Stone—14.
William A. Hooe,	Thompson S. Parks,	

Mr. Leslie, from a select committee, reported a bill to dispense with commissions for certain officers of this commonwealth.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be referred to the committee on the Judiciary.

A message in writing was received from the Governor, by Mr. Merwether, Secretary of State.

Said message was taken up and read as follows, viz :

EXECUTIVE OFFICE,
November 21st, 1851. }

Gentlemen of the Senate:

A bill, entitled "An act to incorporate the Phoenix Insurance Company, at Lexington," has been presented to me for my signature and approval. Having given to the bill careful and mature consideration, I am compelled by a conviction of duty to withhold my approval, and to return it to the Senate, in which it originated, with my objections.

The 1st section of the bill gives the corporation power "to have, to purchase, receive, possess, enjoy, and retain, to themselves and their successors, lands, tenements, rents, hereditaments, goods, chattels, and effects, and the same to sell, grant, demise, alien, and dispose of." The 6th section of the bill contains the following clause: "And the said company shall have power to deal in bills of exchange, and to buy and sell notes."

Upon the power thus granted in the 1st and 6th sections of the bill, there is no restriction. The entire amount of the capital stock of the company is \$150,000, with power in the president and directors to increase it to \$300,000; and it may go into operation whenever \$50,000 of the capital stock is subscribed. Upon this limited amount of capital the company has power to hold, buy, and sell any amount of lands, goods, and chattels, and the right to deal in bills of exchange, and buy and sell notes, to any extent, without restriction or limitation.

Such vast corporate privileges would be a potent engine for mischief. If this bill should become a law, this corporation would exist with those large and extensive privileges for thirty-four years. The general assembly reserves no right to repeal or modify the charter.

In charters of this kind there should be some limit to the amount of real estate, goods, and chattels to be held by the company at any one time. Unlimited and unrestricted power to deal in bills of exchange should not be granted. If the privilege to buy and sell notes or loan money is given, some limitation should be fixed as to the discount or rate of interest to be taken. This bill, purporting to incorporate a company to insure against loss from fire, water, &c., in reality incorporates a company with full and ample power to deal and speculate in real estate, goods, chattels, bills of exchange, and notes, to an unlimited amount, without any restriction whatever. Without a violation of the privileges conferred, this company could be converted into a regular dealer in real estate, goods, bills of exchange, and notes. The bill contains no guards or restrictions to shield and protect the community against the abuse of the corporate powers of the company proposed to be established. Prudence and sound policy dictate that corporations should be well guarded, so as to protect the community from frauds and losses which might arise from an abuse of corporate powers. It is, in my judgment, inexpedient and impolitic to give to a corporation such unlimited and unrestricted privileges.

Individuals possess most if not all the privileges proposed to be granted to this company; but all their property is bound for their liabilities, whilst the capital stock and assets alone of a corporation are liable for its indebtedness. I cannot approve a bill conferring such large, un-

limited, and unrestricted privileges. I have examined with some care many of the charters heretofore granted by the legislature of this state, and have found no charter giving such extensive and unrestricted privileges to a corporation of this kind.

Entertaining the most profound respect for the intelligence and patriotism of the general assembly, nothing but the most imperious sense of duty would cause me to exercise the qualified veto vested in the executive by the constitution.

L. W. POWELL.

Ordered, That said message be made the special order of the day for the 25th inst., and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Leave was given to bring in the following bills, viz :

On motion of Mr. Spencer—1. A bill to amend the penal laws of this commonwealth, in relation to shooting at marks in towns and on public highways.

On motion of Mr. Caldwell—2. A bill to amend the charter of the Lexington and Danville Railroad Company.

On motion of Mr. Orr—3. A bill to charter the town of Sparta, in Owen county.

Ordered, That the committee on the Judiciary prepare and bring in the 1st; Messrs. Caldwell, Robinson, and Lindsey, the 2nd; and Messrs. Orr, Berry, and Taylor, the 3d.

Mr. Spencer moved the following resolution, viz :

Resolved, That the committee on the Judiciary be instructed to inquire into the policy and expediency of repealing the 2nd, 3d, 4th, and 6th sections of the act, entitled, an act concerning free negroes and mulattoes, approved the 24th March, 1851; and that they report by bill or otherwise.

Which was adopted.

Mr. Spencer moved the following resolution, viz :

Resolved, That the committee on Education be instructed to inquire into the propriety and expediency of so amending the present school laws, as to authorize the children of the proper school ages residing in one district, who may reside more convenient to a school house in an adjoining district, to be taught in such latter district; and that they report by bill or otherwise.

Which was adopted.

The Senate resumed the consideration of a bill to amend an act, entitled, an act to regulate the retailing of ardent spirits.

Said bill reads as follows, viz :

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, upon granting any tavern license by any county court, or the trustees or other authorities in any county, city, or town in this commonwealth, there shall be charged to the party obtaining said license a tax to the commonwealth of not less than five nor more than ten dollars, to be collected and accounted for as now required by law; but nothing here-

in shall be construed to require a license to keep a house of entertainment at any place more than half a mile from any legally established town.

§ 2. That the privilege to sell spirituous liquor shall not be implied by or embraced in any license to keep a tavern, as heretofore, nor in a license to keep any coffee-house, boarding-house, restaurant, or other place of entertainment licensed by any county court, or the trustees or other authority in any town or city, unless the said court, trustees, or other authority shall deem it expedient so to do, and shall specify said privilege in such license.

§ 3. It shall be the duty of any court, trustees, or other authority, who, in the exercise of their discretion, shall grant a license to retail spirituous liquors in connection with a license to keep a tavern, coffee-house, restaurant, or other place of entertainment, to charge to and collect from the person so obtaining such license, a distinct and additional tax to the commonwealth for the privilege aforesaid, of not less than ten nor more than twenty-five dollars, at their discretion; which sums shall be paid over and accounted for as taxes on tavern licenses are paid.

§ 4. That no license shall hereafter be granted to any merchant, druggist, or other person to sell spirituous liquor in quantities not less than a quart, by the clerk of any county; but all such persons as, by existing laws, may obtain such licenses from clerks, shall apply to the county courts, and the county courts may, in their discretion, grant such license, provided such applicants are merchants or druggists in good faith, and charge for such license a tax of not less than five nor more than fifteen dollars, and cause the same to be collected and accounted for as taxes on tavern license: *Provided*, That any druggist in this commonwealth who may sell ardent spirits or wines for medicinal purposes only, shall not be required to procure license to sell the same.

Mr. Taylor moved to amend said bill by adding the following proviso, viz:

Provided, however, That no license shall be granted by the County Judge under the provisions of this act, without the consent of a majority of the Justices of the Peace in commission in said county; and that the County Court Judge have authority to summon and compel the attendance of the Justices of the Peace, to aid him in the exercise of the powers conferred upon him by this act.

Mr. Leslie moved to amend the amendment proposed by Mr. Taylor, by substituting in lieu thereof the following:

Provided, That no license shall be granted by the Presiding Judge, as provided in this act, without the consent of the two Justices of the Peace in the district, within which the tavern will be situated; and it shall be lawful for the said Judge to summon and compel said Justices to attend, and sit with him in the consideration of the motion for the granting such license.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The question was then taken on the adoption of the amendment proposed by Mr. Taylor, and it was decided in the negative.

The question was then taken on ordering said bill be engrossed and read a third time, and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Gholson and Shawhan, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Ben. Hardin,	Martin D. McHenry,
Abram I. Caldwell,	William A. Hooe,	Thompson S. Parks,
Radford M. Cobb,	Preston H. Leslie,	James F. Robinson,
Joseph S. Conn,	Thomas N. Lindsey,	Samuel A. Spencer,
John Cunningham,	Lewis L. Mason,	John C. Walker—16.
John L. Elliott,		

Those who voted in the negative, were

William J. Berry,	Richard D. Gholson,	James P. Orr,
Henry G. Bibb,	John A. Goodson,	Jefferson Percifull,
Thomas J. Blincoe,	James W. Irwin,	John Shawhan,
Eli Bozarth,	John G. McFarland,	Thomas J. Smith,
William Bradley,	Isaac P. Miller,	Shelby Stone,
Wallace W. Brown,	Reuben Munday,	John D. Taylor—19.
Ira Ellis,		

The Senate took up for consideration the resolution offered by Mr. McHenry, postponing the election of a United States Senator.

Mr. McHenry withdrew said resolution.

The Senate then took up a bill to amend the charter of the Shelby Railroad Company.

Mr. McHenry moved an amendment to said bill, which was adopted.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate also took up for consideration a bill to add part of the county of Ohio to Daviess county.

Mr. Irwin moved to lay said bill on the table, which was decided in the affirmative.

The Senate took up a bill allowing jurors pay for their services before Justices of the Peace.

Mr. Walker moved an amendment to said bill, which was adopted.

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

Said bill reads as follows, viz :

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That jurors summoned to appear before justices of the peace to try any

cause, where there is a jury required by law to be summoned, shall, after the passage of this act, be entitled to fifty cents for each day's attendance, to each juror, who shall claim the same.

§ 2. *Be it further enacted*, That said jurors shall be paid by the unsuccessful party: *Provided*, that there shall be no charges against the commonwealth of Kentucky, when cases arise in favor of said commonwealth, and fail to succeed; but in all other cases before justices of the peace, said compensation shall be allowed.

§ 3. The provisions of this act shall not apply to by-standers summoned at the place of trial, but only to such jurors as attend the place of trial in consequence of a summons from the proper officer. The claims of jurors shall be entered by the justice of the peace, and collected on his certificate as witnesses claims are allowed and collected. Jurors attending before sheiffs in writs of *ad quod damnum*, shall have the like privilege of claiming fifty cents per day, under the same rules and regulations, to be allowed and certified by the sheriff.

§ 4. *Be it further enacted*, That jurors who shall be summoned and attend upon the trial of causes before presiding judges of the county courts, shall have pay, as provided in the foregoing part of this act: *Provided*, that no jury shall be summoned, as specified in any of the foregoing provisions of said act, unless the litigant, or one of them, plaintiff and defendant, shall so order and direct, or request in writing directed to the officer whose duty it is, by this act, to summon such jury: *Provided further*, that the jury provided for in the first section of this act, shall consist of only six housekeepers of the county in which the cause is tried.

The yeas and nays being required thereon by Messrs. Irwin and Leslie, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	John L. Elliott,	James P. Orr,
William J. Berry,	Ira Ellis,	Thompson S. Parks,
Henry G. Bibb,	Richard D. Gholson,	Jefferson Percifull,
Thomas J. Blincoe,	John A. Goodson,	William Preston,
Eli Bozarth,	Ben. Hardin,	James F. Robinson,
Wallace W. Brown,	William A. Hooe,	John Shawhan,
Abram I. Caldwell,	Preston H. Leslie,	Thomas J. Smith,
Radford M. Cobb,	Lewis L. Mason,	Samuel A. Spencer,
Joseph S. Conn,	John G. McFarland,	John D. Taylor,
John Cunningham,	Martin D. McHenry,	John C. Walker—30.

Those who voted in the negative, were

William Bradley,	Thomas N. Lindsey,	Reuben Munday,
James W. Irwin,	Isaac P. Miller,	Shelby Stone—6.

Mr. McHenry moved the reconsideration of the vote, by which the Senate refused to order to a third reading, a bill to change the time of electing Justices of the Peace and Constables, which was decided in the affirmative.

Ordered, That said bill be re-committed to the committee on the Judiciary.

Mr. Gholson moved the reconsideration of the vote, by which the Senate refused to order to a third reading, a bill to amend an act, entitled, an act to regulate the retailing of ardent spirits, which was decided in the affirmative.

Ordered, That said bills be re-committed to the committee on the Judiciary.

And then the Senate adjourned.

SATURDAY, NOVEMBER 22, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, "an act to amend an act, entitled, an act to incorporate the Georgetown and Lemon's Mill Turnpike Road Company, approved 24th March, 1851.

That they had passed bills of the following titles, viz:

1. An act to change the lines in Magistrates' and Constables' district, No. 1, in Lincoln county.
2. An act for the benefit of the Lancaster and Crab Orchard Turnpike Road Company.
3. An act to create an additional election precinct in each ward in the city of Louisville.
4. An act authorizing a special term of the Fleming Circuit Court.
5. An act for the benefit of Stephen Adams, deputy Sheriff of Clarke county.
6. An act to legalize the proceedings of the Daviess County Court.
7. An act to create the office of Police Judge and Marshal in the town of Shepherdsville.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st and 3d were referred to the committee on Propositions and Grievances; the 2nd to the committee on Internal Improvement; the 4th to the committee on Circuit Courts; the 5th to the committee on Finance; the 6th to the committee on County Courts; and the 7th was ordered to be read a third time.

The constitutional provision as to the third reading of the 7th bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of mechanics of Monroe county, reported the same with an amendment, as a substitute for said bill, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from a select committee, to whom was referred a bill authorizing Judges of County Courts to change voting places, and the boundary lines of justices districts and voting precincts, reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be placed in the orders of the day.

Mr. Preston, from a select committee, reported a bill to regulate the times of holding the courts of Justices of the Peace.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the committee on County Courts.

A message in writing was received from the Governor, by Mr. Meriwether, Secretary of State, announcing that he had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act authorizing the County Court of Bracken to lay the County levy at the November term, 1851.

Approved November 17, 1851.

An act regulating changes of venue from County Courts.

Approved November 19, 1851.

Leave was given to bring in the following bills, viz:

On motion of Mr. Conn—1. A bill to establish an additional election precinct in Caldwell county.

On motion of Mr. Berry—2. A bill to amend an act incorporating the town of Rumsey, in Muhlenburg county.

On motion of Mr. Mason—3. A bill for the benefit of School District, No. —, at Petersburg, in Boone county.

Messrs. Conn, Parks, and Bibb, were appointed a committee to prepare and bring in the 1st; Messrs. Berry, Walker, and Orr, the 2nd; and Messrs. Mason, Barnes, and Taylor, the 3d.

The Senate resumed the consideration of a bill from the House of Representatives, with an amendment proposed thereto by the committee on Finance, entitled, an act to incorporate the Versailles, Fire, Life, and Marine Insurance Company.

The amendment proposed by the committee is as follows :

Provided, That the stockholders in said company shall be individually liable for all debts of the corporation, to the amount of the stock they may have individually subscribed, and not paid into the company, or if paid in, directly or indirectly drawn out by them, by loans or dividends of profits.

Mr. Lindsey moved the following as a substitute for said amendment.

Provided, That no dividend shall be made so as to lessen the amount of the capital stock, paid in or secured by stock notes ; and if any dividend shall be made which lessens the amount of the capital, the holder of the stock receiving such dividend shall be liable to pay back the same to any creditor.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Gholson and Percifull, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Ira Ellis,	Reuben Munday,
William J. Berry,	John A. Goodson,	Thompson S. Parks,
Henry G. Bibb,	Ben. Hardin,	William Preston,
Thomas J. Blincoe,	Preston H. Leslie,	James F. Robinson,
William Bradley,	Thomas N. Lindsey,	Samuel A. Spencer,
Abram I. Caldwell,	Lewis L. Mason,	Shelby Stone,
Radford M. Cobb,	John G. McFarland,	John D. Taylor,
Joseph S. Conn,	Martin D. McHenry,	John C. Walker—26.
John Cunningham,	Isaac P. Miller,	

Those who voted in the negative, were

Eli Bozarth,	William A. Hooe,	John Shawhan,
Wallace W. Brown,	James P. Orr,	Thomas J. Smith—8.
Richard D. Gholson,	Jefferson Percifull,	

The amendment, as amended, was then adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration the amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act to authorize Constables in the city of Covington to appoint deputies.

Said amendments were twice read and concurred in.

Bills from the House of Representatives of the following titles, were severally read the first time, viz :

1. An act for the benefit of John W. Hawes, Sheriff of Lawrence county.
2. An act to incorporate the Estill Springs Company.
3. An act for the benefit of the Sheriff of Butler county.
4. An act for the benefit of the Sheriff of Breathitt county.
5. An act for the benefit of Common School districts.
6. An act for the benefit of persons holding lands, lying back of other lands in the vicinity of any of the navigable streams in this State.
7. An act to amend an act, entitled, an act to amend the laws regulating the town of Millersburg, in the county of Bourbon.
8. An act for the benefit of the trustees of the town of Hartford.
9. An act authorizing the Master Commissioners in Chancery to hold the County Courts in certain cases.
10. An act to amend an act, entitled, an act to authorize the sale of the estate of infants and *femes covert*, approved March 24th, 1851.
11. An act to create the office of Marshal of the town of Hartford.
12. An act to allow a Marshal in the town of Harrisonville, Shelby county.
13. An act to legalize the oath of certain officers.
14. An act for the benefit of Elisha Breading.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 3d, 4th, and 14th to the committee on Finance; the 5th to the committee on Education; the 6th, 7th, 8th, 10th, 11th, 12th, and 13th, to the committee on the Judiciary; the 9th to the committee on County Courts; and the 2nd was ordered to be read a third time.

The constitutional provision as to the third reading of the 2nd bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Messrs. Barnes and Hooe were appointed a committee to inform the House of Representatives, that the Senate were now ready to proceed to the election of a Senator in Congress.

Mr. Cunningham withdrew the name of Mr. Helm.

The Senate took up a bill to prevent the use of concealed weapons.

Mr. Shawhan moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Robinson and Walker, were as follows, viz:

Those who voted in the affirmative, were

Henry G. Bibb,
Thomas J. Blincoe,

Joseph S. Conn,
Ira Ellis,

Reuben Munday,
Jefferson Percifull,

Eli Bozarth,
William Bradley,
Wallace W. Brown,

Ben. Hardin,
Lewis L. Mason,
John G. McFarland,

John Shawhan,
Thomas J. Smith,
Shelby Stone—15.

Those who voted in the negative, were

Sidney M. Barnes,
William J. Berry,
Abram I. Caldwell,
Radford M. Cobb,
John Cunningham,
Richard D. Gholson,

John A. Goodson,
Preston H. Leslie,
Thomas N. Lindsey,
Martin D. McHenry,
Thompson S. Parks,

William Preston,
James F. Robinson,
Samuel A. Spencer,
John D. Taylor,
John C. Walker—16.

Ordered, That said bill be recommitted to the committee on the Judiciary.

The Senate took up a bill to amend an act, approved March 24th, 1851, entitled, an act to regulate elections.

Mr. Goodson moved a reconsideration of the vote adopting an amendment to said bill.

And the question being taken thereon, it was decided in the affirmative.

Mr. Goodson moved an amendment to said bill, which was adopted.

Mr. Bibb moved an amendment to said bill, which was adopted.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration a resolution reducing the Court of Appeals districts to three.

Ordered, That said resolution be made the special order of the day for the 27th inst.

The Senate took up for consideration a bill from the House of Representatives, entitled, an act incorporating the Newport and Cincinnati Bridge Company.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

MONDAY, NOVEMBER 24, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz :

An act to repeal an act to authorize the County Court of Nelson and Barren counties to subscribe stock in the Louisville and Nashville Railroad Company, approved 15th of March, 1851.

An act to require the County Court of Bourbon to subscribe to the stock of the Covington and Lexington Railroad Company.

An act to amend the charter of the Southern Bank of Kentucky.

An act to allow the County Court of Franklin to subscribe stock in Turnpikes, and for other purposes.

That they had passed bills of the following titles, viz :

An act for the benefit of James C. Cawthorn, Sheriff of McCracken county.

An act to incorporate the town of Eminence.

An act to amend an act, entitled, an act incorporating the town of Livermore in Ohio county, and for other purposes.

That they had received official information from the Governor that he had approved and signed enrolled bills and resolutions which originated in the House of Representatives of the following titles, viz :

An act for the benefit of Samuel Haycraft.

An act to change the place of voting in district No. 6, in Knox county.

An act to change the place of voting in the 2nd district, in Meade county.

An act for the benefit of John Elliott, and Mary Ann Elliott his wife, of Fleming county.

An act to incorporate the trustees of Centre Point Meeting House in Monroe county.

An act embodying into one the several acts amending the road law of Campbell county.

An act to provide for surveying and re-marking the dividing line between Barren and Edmonson counties.

An act for the benefit of George Dunn, Jailer of McCracken county.

An act to incorporate Boyle Lodge, No. 56, I. O. O. F., at Perryville.

An act to authorize a change in the state road leading from the Tennessee river to Columbus.

An act to amend an act incorporating the Maysville and Mount-sterling Turnpike Road Company.

An act to extend the provisions of an act, entitled, "an act regulating the prices of taking up boats on the Ohio river, approved January 29th, 1829," to all the navigable streams in this State.

An act vesting the County Court of Owen county with power to change the location of a part of the state road leading from Covington to Louisville.

An act to provide for changing the place of voting in the 5th district, and for the erection of an additional civil district and election precinct in Christian county.

An act for the benefit of the stockholders in the Carrolton and Eagle Creek Turnpike Road Company.

Resolution requesting the Superintendent of Public Instruction to make a partial report.

Resolution appointing a joint committee to visit the Deaf and Dumb Asylum, at Danville.

Resolution appointing a joint committee to visit the Lunatic Asylum, at Lexington.

Resolution appointing a joint committee to visit the Institution for the Blind, at Louisville.

Approved November 18, 1851.

An act for the benefit of the infant children of John Braxdall, jr., deceased.

Approved November 22, 1851.

The Speaker laid before the Senate a communication from the committee appointed to revise the Statute Laws, which is as follows, viz:

FRANKFORT, November 24, 1851.

HON. JOHN B. THOMPSON,

Lieutenant Governor and Speaker of the Senate:

Sir: You will please to lay before the Senate of Kentucky the accompanying report of the Commissioners selected to revise and arrange the Statute Laws, civil and criminal, of Kentucky. We have had printed in bill form, and have directed the Public Printer to furnish each member of the Legislature with a copy.

Respectfully yours,

C. A. WICKLIFFE,
SQUIRE TURNER,
S. S. NICHOLAS.

Mr. McHenry read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the committee on the Judiciary in the Senate, and the committee on the Revised Statutes in the House of Representatives, act as a joint committee on the Revised Statutes; that they revise the chapters of the Revised Statutes adopted at the last session, and report whether any modifications of the same are expedient; and that they report, from

time to time, as they progress with the work this day laid before the two Houses by the revisers.

Resolved, That the Hon. C. A. Wickliffe, Hon. S. S. Nicholas, and Hon. Squire Turner, be requested to attend the sittings of the joint committee, and give them such explanations and aid in examining the work as may be necessary.

The rule of the Senate requiring a joint resolution to lie one day on the table, being dispensed with, said resolution was taken up, twice read, and adopted.

Ordered, That the Public Printer print 150 copies of the Revised Statutes, for the use of the General Assembly.

Mr. Taylor presented the petition of a number of the citizens of Maysville, praying the passage of a law repealing an act in relation to the inspection of salt, so far as the city of Maysville is concerned.

Mr. Ellis presented the petition of sundry citizens of the county of Trigg, praying the passage of a law authorizing a change in the boundaries of an election precinct in said county.

Which petitions were received, the reading dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Barnes, from the committee on County Courts, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to amend an act, entitled, an act to organize County Courts in the several counties, approved March 11, 1851.

An act to legalize the proceedings of the Daviess County County.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Leslie, from the committee on Finance, reported a bill for the benefit of certain school districts in Barren and Monroe counties, which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bibb, from a select committee, reported a bill to amend an act, entitled, an act further to protect the rights of married women.

Which was read a first time, and ordered to be read a second time. The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Elliott moved to lay said bill on the table, which was decided in the negative.

Ordered, That said bill be referred to the committee on the Judiciary, and that the Public Printer print 150 copies thereof, for the use of the General Assembly.

Mr. Spencer, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, viz:

An act to change the time of holding the quarterly Courts of the Presiding Judge in Russell county.

An act to prescribe the term of office for the inferior offices of this Commonwealth.

An act for the benefit of the Sheriff of Ohio county.

An act to incorporate Friendship Lodge No. 5, I. O. O. F., at Lexington, Kentucky.

An act to amend and reduce into one, the several acts concerning private passways in Mercer county.

And enrolled bills which originated in the House of Representatives, of the following titles, viz:

An act incorporating the Kentucky State Medical Society.

An act to amend an act, entitled, an act to incorporate the Lexington, Owingsville, and Big Sandy Railroad Company.

An act to amend an act, entitled, an act to incorporate Odd Fellows Hall, of Newport, Kentucky, approved February 25th, 1848.

An act to incorporate Mason Lodge, No. 33, I. O. O. F.

An act to change the place of voting in Caldwell county, in district No. 4.

An act declaring Jenny's creek and Grassy creek navigable streams.

An act to authorize the Crittenden County Court to change the state road to Flynn's ferry.

An act to incorporate Mangum Lodge, No. 21, Independent Order of Odd Fellows.

An act to divide district No. 4, in Trigg county.

An act to amend the charter of the Covington and Lexington Railroad Company.

An act amending the charter of the Maysville and Mountsterling Turnpike Road Company.

An act to change the state road leading from Georgetown to Covington.

An act to change the times of holding Justices' quarterly courts in the county of Washington.

An act to change the time of holding the quarterly terms of the Pendleton County Court.

An act to amend the charter of the Union and Florence Turnpike Road Company.

An act to incorporate the Union and Beaver Turnpike Road Company.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Spencer reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On motion of Mr. Brown—1. A bill to declare the open fork of Paint and Abbott creek navigable streams.

On motion of Mr. Orr—2. A bill for the benefit of the Owenton and Ross's Mill Turnpike Road Company.

On motion of same—3. A bill for the benefit of the Eagle Creek and New Liberty Turnpike Road Company.

On motion of Mr. Preston—4. A bill for the benefit of the Kentucky Institution for the Blind.

On motion of same—5. A bill in relation to the records of the County Court of Jefferson.

On motion of Mr. Lindsey—6. A bill to incorporate a company to build a bridge across Licking river between Covington and Newport.

Ordered, That Messrs. Brown, Bozarth, and Mason, prepare and bring in the 1st; Messrs. Orr, Berry, and Mason, the 2d and 3d; Messrs. Preston, Hooe, and Hardin, the 4th; Messrs. Preston, Hooe, and Barnes, the 5th; and the committee on Internal Improvements, the 6th.

Mr. Hooe read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky. That the election of a Senator in the Congress of the United States be, and the same is hereby, postponed for the present session.

Mr. Preston moved the following resolution, viz:

Resolved, That the committee on Finance be instructed to inquire into the expediency of purchasing for distribution, an adequate number of the maps of Kentucky, recently published; and that they report by bill or otherwise.

Which was adopted.

A message in writing was received from the Governor, by Mr. Meriwether, Secretary of State.

Said message was taken up and read as follows, viz :

EXECUTIVE DEPARTMENT, }
November 24th, 1851. }

Gentlemen of the Senate and House of Representatives:

In accordance with a request of the convention of the friends of Education, held in the city of Frankfort, on the 12th instant, I herewith transmit to the General Assembly a copy of the resolutions adopted by the convention.

L. W. POWELL.

Resolutions adopted by a convention of the friends of Public Education in Kentucky, viz :

1. It is the sense of this convention that a school-quarter consists of twelve weeks ; a school-week of five days ; and a school-day of six, or, at most, seven hours, divided into two daily sessions.

2. That a course of good common-school instruction should contemplate a thorough knowledge of spelling, reading, writing, geography with maps, arithmetic, the history of the United States, English grammar in its elementary principles, including composition, and the elements of general history.

3. That the above named order is that in which these branches should be taught ; pursuing, however, as many of them at one time as is permitted by the capacity or the advancement of the pupils.

4. That a committee of five persons be appointed to examine and recommend a spelling book, reading books, and a school dictionary ; another committee of five persons to examine and recommend a school geography and grammar ; and a third committee of five persons to examine and recommend an arithmetic, a history of the United States, and a work or works on general history. These committees shall report to the convention of the friends of education in Kentucky at its next annual meeting.

5. That it is exceedingly important to the interests of common-school education, that special attention be paid to the proper construction and location of school houses, having in view the health and comfort of children at school ; and in this view, it should be held indispensable to have the house well ventilated, sufficiently warm in the winter and sheltered from the sun in summer, provided with seats and desks adapted to the comfort of children of the different ages, and, so far as possible, with pleasant play-ground—in short, to render the school house a place as attractive as possible to children.

6. That the interests of education would be greatly promoted by increasing the duration of the district schools to a period of six months annually, instead of three months, as now required by law. The mode of doing this, which seems to be the best under the actual circumstances of the country, is to graduate by law the yearly state allowance to the schools according to the time they are taught, making six months the maximum and three months the minimum.

7. That teachers and others specially interested in education in Kentucky be advised to form an Educational Association at each county seat, to the end, that, by combined action and united experience, the details of a more general system of education for the state may be perfected,

such as time and experience may show to be adapted to the peculiarities of our people.

8. That the system of general education ought ultimately to embrace a higher grade of schools than the district schools; so that those who have passed successfully through the latter may enjoy the greater advantages to be furnished by the former schools.

9. That adequate provision should be made for training teachers for the common schools of the state—either by the establishment of a general Normal school, or otherwise—and that the friends of common school education are advised to petition the legislature to take immediate steps towards the accomplishment of this important object.

10. That the Bible should be introduced and used in all schools; respect being had, however, to the conscientious objections of parents and guardians.

11. That the cause of general education in this commonwealth ought to be urged forward under the fostering care of the state, at whatever cost of money may be necessary to its economical, but complete, establishment and support.

Resolved, That a convention of the friends of education be held in Louisville, on the last Wednesday of August, 1852.

Resolved, That the proceedings of the convention be signed by the Chairman and Secretary, and be published; and that the Chairman of the convention be asked to communicate a copy of the series of resolutions adopted, to the governor of the commonwealth, with the request that he will, if he deem it proper, lay them before the legislature.

Ordered, That said message be referred to the committee on Education.

Ordered, That Messrs. Preston and Robinson inform the House of Representatives that the Senate is now ready to proceed to the election of a Senator in Congress.

The Senate took up for consideration a bill more effectually to suppress the practice of gambling.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any person who shall be guilty of gaming at cards, dice, chuck-a-luck, or any thing else, in the public road, street, commons, fields, woods, or in any house, or any other place, for money, or property, or any thing else, shall be liable to a presentment or indictment by the grand jury of the county in which such offense may be committed, and, upon conviction thereof, shall be fined twenty dollars.

§ 2. That any person who shall bet or wager money or property on any such game played by others, shall be subject to presentment or indictment therefor, and, upon conviction thereof, shall be fined the like sum of twenty dollars; [and any white man who shall be guilty of playing or betting 'at any of the games aforesaid with a slave, free negro, or mulatto, shall be subject to presentment or indictment by the grand jury of the county in which such offense shall be committed, and, upon conviction thereof, shall be fined any sum not exceeding two hundred dollars nor less than fifty dollars; and any slave, or free negro, or mulatto,

being guilty of such offense, shall, upon conviction thereof before a justice of the peace, or the presiding judge of the county court, receive thirty-nine lashes upon his bare back, to be well laid on, by order of such justice or judge.]

§ 3. That it shall be the special duty of all justices of the peace, constables, sheriffs, and coroners, to enforce the provisions of this act; and it shall be the duty of justices of the peace and presiding judges of the county courts, upon information being given of a violation of this act, to issue process against the offender, and cause him or them to be brought before said judge, or some justice of the peace for said county, for trial; and said judges and all justices of the peace are hereby declared to have full power and jurisdiction to hear and determine the same, as in other cases; and all circuit judges shall give this act in charge to the grand jury, at each term of his court.

Mr. Leslie moved to strike out all that part of the second section printed in brackets, which was adopted.

Mr. Stone moved further to amend said bill by inserting after the word "house," in the first section, "other than a dwelling house."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Gholson and Brown, were as follows, viz:

Those who voted in the affirmative, were

Thomas J. Blincoe,	Ben. Hardin,	James P. Orr,
William Bradley,	William A. Hooe,	Jefferson Percifull,
Radford M. Cobb,	Lewis L. Mason,	John Shawhan,
Ira Ellis,	John G. McFarland,	Shelby Stone,
John A. Goodson,	Isaac P. Miller,	John D. Taylor—15.

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	Thompson S. Parks,
Henry G. Bibb,	Richard D. Gholson,	James F. Robinson,
Eli Bozarth,	Preston H. Leslie,	Thomas J. Smith,
Wallace W. Brown,	Martin D. McHenry,	Samuel A. Spencer,
Abram I. Caldwell,	Reuben Munday,	John C. Walker—16.
Joseph S. Conn,		

Mr. McHenry moved to strike out all that part of the first section printed in italics, and insert in lieu thereof the following: "shall be liable to a fine of five pounds, which may be recovered by warrant before any justice of the peace or police judge, or by presentment of a grand jury;" which was adopted.

And the question being taken on ordering the said bill, as amended, to be engrossed and read a third time, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Leslie and Bozarth, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Joseph S. Conn,	Thompson S. Parks,
William J. Berry,	John Cunningham,	James F. Robinson,

Henry G. Bibb,
Eli Bozarth,
Wallace W. Brown,
Abram I. Caldwell,

Richard D. Gholson,
Preston H. Leslie,
Martin D. McHenry,

Thomas J. Smith,
Samuel A. Spencer,
John C. Walker—16.

Those who voted in the negative, were

Thomas J. Blincoe,
William Bradley,
Radford M. Cobb,
Ira Ellis,
John A. Goodson,
Ben. Hardin,

William A. Hooe,
Lewis L. Mason,
John G. McFarland,
Isaac P. Miller,
Reuben Munday,
James P. Orr,

Jefferson Percifull,
William Preston,
John Shawhan,
Shelby Stone,
John D. Taylor—17.

The Senate took up for consideration a bill authorizing Judges of county courts to change voting places, and the boundary lines of Justices' districts and voting precincts.

Mr. McHenry moved to strike out the proviso in the bill, which was decided in the affirmative.

Mr. McHenry moved an amendment to said bill.

And then the Senate adjourned.

TUESDAY, NOVEMBER 25, 1851.

A message was received from the House of Representatives, announcing their disagreement to an amendment proposed by the Senate, to a bill from the House of Representatives, entitled, an act incorporating the Newport and Cincinnati Bridge Company.

That they had concurred in an amendment proposed by the Senate, to a bill from the House of Representatives, entitled, an act for closing up certain old roads in Fleming county, with an amendment to the amendment of the Senate.

That they had concurred in amendments proposed by the Senate, to bills from the House of Representatives, of the following titles, viz:

An act to empower the trustees of Williamsburg to sell a portion of a street in said town.

An act for the benefit of the late clerks of the Circuit and County Courts.

An act to incorporate McClure Chapter, No. 48, of Royal Arch Masons, in Crittenden, Grant county.

An act to incorporate the Versailles, Fire, Life, and Marine Insurance Company.

An act for the benefit of mechanics in Monroe county.

An act authorizing the Judge of the Boyle County Court to sell a portion of the court house lot.

An act to incorporate the Rough Creek Navigation and Manufacturing Company.

An act to provide for the better regulation and support of the public schools in the city of Newport.

An act to establish the town of Duncansville.

That they had concurred in a resolution from the Senate in relation to the revised statutes.

That they had passed bills of the following titles, viz :

An act incorporating the People's Hydropathic Literary and American Reform College of Kentucky.

An act for the benefit of school district, No. 21, in Calloway county, and No. 37, in Hardin county.

An act for the benefit of Joseph Curd, of Jessamine county.

1. Mr. Irwin presented the petition of sundry citizens of Simpson county, in relation to the Louisville and Nashville Railroad.

2. Also—presented the petition of sundry citizens of Simpson county, in relation to taking a vote on the subject of imposing a tax for the construction of the Louisville and Nashville Railroad.

3. Mr. Berry presented the petition of sundry citizens of Ohio county, praying the passage of a law authorizing a change of the time for holding the courts of that district.

4. Mr. Gholson presented the petition of sundry citizens of Graves county, praying the passage of a law for the benefit of Henry Scofield.

Which petitions were received, the reading dispensed with, and referred—the 1st and 2nd to the committee on Internal Improvement; the 3d to the committee on Circuit Courts; and the 4th to the committee on Finance.

Leave was given to bring in the following bills, viz :

On motion of Mr. Irwin—1. A bill to incorporate the Milton and Campbellsburg Plank Road Company.

On motion of Mr. Goodson—2. A bill to incorporate the Independence and Colemansville Turnpike Road Company.

On motion of Mr. Hooe—3. A bill in relation to the Springfield, Maxville, and Harrodsburg Turnpike Road Company.

The committee on Internal Improvement was directed to prepare and bring in the 1st and 2nd; and the committee on Finance the 3d.

Mr. McHenry, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act to legalize the acts of certain officers.

An act for the benefit of the trustees of the town of Hartford.

An act to create the office of Marshal of the town of Hartford.

An act to amend an act, entitled, an act to amend the laws regulating the town of Millersburg, in the county of Bourbon.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz :

1. An act for the benefit of the Lancaster and Crab Orchard Turnpike Road Company.

2. An act to amend the road law in Estill county.

Reported the 1st without, and the 2nd with an amendment, which was concurred in.

Ordered, That the 1st be read a third time, and that the 2nd be placed in the orders of the day.

The constitutional provision as to the third reading of the 1st bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Taylor, from the committee on Education, to whom were referred bills from the House of Representatives, of the following titles, viz :

1. An act to incorporate Forrest Spring College, in Allen county.

2. An act to incorporate Campbell Female College, in Campbell county.

3. An act in relation to Common School district, No. 12, in Whitley county.

Reported the 2nd and 3d without, and the 1st with an amendment, which were concurred in.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Taylor, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Common School districts, reported the same with the opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative. So said bill was disagreed to.

Mr. Bradley, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the counties of Fayette, Scott, &c., in relation to tolls on the Lexington and Covington Turnpike Road, asked to be discharged from the further consideration of the same, which was granted.

Ordered, That said petition be referred to the committee on Finance.

Mr. Bradley, from the same committee, asked to be discharged from the further consideration of a bill from the House of Representatives, entitled, an act dividing School district, No. 58, in Adair county, which was granted.

Ordered, That said bill be referred to the committee on Education.

Mr. Bradley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the lines in Magistrates' and Constable's district, No. 1, in Lincoln county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the committee on the Judiciary, to whom was referred a bill to prevent the use of concealed weapons, reported the same with an amendment, which was concurred in.

Mr. Barnes moved further to amend said bill, which was adopted.

Said bill reads as follows, viz :

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any person who shall, from and after the first day of July, 1852, carry a sword or spear in a cane, a dirk, pocket pistol, bowie knife, air gun, or knife with a spring in the back to prevent its shutting, commonly used as a weapon, or any other deadly weapon concealed about his person or otherwise, so that the same shall not be plainly visible to all by-standers, shall, for every such offense, be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, to be recovered by indictment: *Provided, however*, that any person indicted under this section may acquit himself by satisfactorily showing, upon the trial, that the wearing or carrying of such weapon or weapons was done by him whilst actually and in good faith engaged upon a journey.

§ 2. That if any person shall, after the first day of July, 1852, commit homicide, within this commonwealth, with any weapon by him carried or worn contrary to the provisions of this act, such homicide shall, in all the courts of this commonwealth, be adjudged and held to be *prima facie* murder.

§ 3. That it shall be the duty of the circuit judges to give this act in charge to the grand juries; and that the attorney for the commonwealth,

prosecuting an indictment to conviction under this act, shall be entitled to a fee, in each case so prosecuted, to be taxed as part of the costs against the defendant, of twenty dollars.

Mr. Hardin moved to strike out the 2nd section of the bill.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Gholson and Smith, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Ben. Hardin,	Isaac P. Miller,
Henry G. Bibb,	William A. Hooe,	Reuben Munday,
Thomas J. Blincoe,	James W. Irwin,	William Preston,
William Bradley,	Preston H. Leslie,	James F. Robinson,
Wallace W. Brown,	Thomas N. Lindsey,	John Shawhan,
Abram I. Caldwell,	Lewis L. Mason,	Thomas J. Smith,
Joseph S. Conn,	John G. McFarland,	Samuel A. Spencer,
Ira Ellis,	Martin D. McHenry,	Shelby Stone—24.

Those who voted in the negative, were

Sidney M. Barnes,	Richard D. Gholson,	John D. Taylor,
Eli Bozarth,	John A. Goodson,	John C. Walker—8.
John Cunningham,	Thompson S. Parks,	

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Shawhan and Stone, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	John A. Goodson,	Thompson S. Parks,
William J. Berry,	Ben. Hardin,	William Preston,
Eli Bozarth,	William A. Hooe,	James F. Robinson,
Wallace W. Brown,	Preston H. Leslie,	Samuel A. Spencer,
Abram I. Caldwell,	Thomas N. Lindsey,	John D. Taylor,
John Cunningham,	Lewis L. Mason,	John C. Walker—20.
Richard D. Gholson,	Martin D. McHenry,	

Those who voted in the negative, were

Henry G. Bibb,	Ira Ellis,	Reuben Munday,
Thomas J. Blincoe,	James W. Irwin,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith,
Joseph S. Conn,	Isaac P. Miller,	Shelby Stone—12.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Taylor, from the committee on Education, reported a bill to encourage the general diffusion of Education.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Preston, from a select committee, reported a bill in relation to the records of the Jefferson County Court.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Spencer, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, viz :

An act to charter the Louisville and Covington Railroad Company.

An act to require the County Court of Bourbon county to subscribe to the stock of the Covington and Lexington Railroad Company.

An act to regulate the time of holding the Green County Court.

An act to appropriate land warrants in the county of Knox.

An act legalizing the election of the Marshal of the town of Independence.

An act to amend an act, entitled, act to incorporate the Maysville and Big Sandy Railroad Company, approved December 18, 1850.

An act to amend an act, entitled, an act to incorporate the Trustees of the Kentucky Baptist Education Society, approved January 15, 1829.

An act to change the time of holding the Christian County Chancery Court.

An act to increase and define the powers of the Marshal of the town of Blandville, in Ballard county.

An act to amend an act, entitled, an act to incorporate the Georgetown and Lemon's Mill Turnpike Road Company, approved March 24, 1851.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approval and signature. After a short time, Mr. Spencer reported that the committee had performed that duty.

Mr. Irwin, from the committee on Internal Improvement, reported a bill to amend the charter of the Louisville and Covington Railroad Company, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Lindsey moved to amend said bill.

Messrs. Preston and Robinson were appointed a committee to inform the House of Representatives that the Senate was now ready to proceed to the election of a Senator in Congress.

A message was received from the House of Representatives, announcing that they were now ready to proceed to the election of a Senator in Congress.

A message was received from the House of Representatives, announcing that the name of Mr. Crittenden had been withdrawn, and that Mr. Humphrey Marshall was in nomination in that House; also, that the name of Mr. Meriwether had been withdrawn.

Mr. Hooe moved to dispense with the rules, for the purpose of taking up a resolution offered by himself, on yesterday, in relation to the postponement of the election of a Senator in Congress.

And the question being taken thereon, it was decided in the negative; two-thirds not voting therefor.

The yeas and nays being required thereon by Messrs. Irwin and Leslie, were as follows, viz:

Those who voted in the affirmative, were

Thomas J. Blincoe,	John A. Goodson,	James P. Orr,
Eli Bozarth,	Ben. Hardin,	Thompson S. Parks,
William Bradley,	William A. Hooe,	James F. Robinson,
Wallace W. Brown,	Thomas N. Lindsey,	John Shawhan,
Abram L. Caldwell,	Lewis L. Mason,	Thomas J. Smith,
John L. Elliott,	Martin D. McHenry,	Samuel A. Spencer—20.
Richard D. Gholson,	Isaac P. Miller,	

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	Reuben Munday,
William J. Berry,	Ira Ellis,	William Preston,
Henry G. Bibb,	James W. Irwin,	Shelby Stone,
Radford M. Cobb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	John G. McFarland,	John C. Walker—15.

A message was received from the House of Representatives, announcing that Mr. Meriwether was again in nomination, and that Mr. John L. Helm was also in nomination.

Mr. Cunningham nominated Mr. Helm.

After an interchange of messages, the Senate proceeded to take another vote, which stood thus:

Those who voted for Mr. Meriwether, were

Thomas J. Blincoe,	John A. Goodson,	Thompson S. Parks,
William Bradley,	William A. Hooe,	John Shawhan,

Wallace W. Brown,
John L. Elliott,
Richard D. Gholson,

Lewis L. Mason,
Isaac P. Miller,
James P. Orr,

Thomas J. Smith,
Samuel A. Spencer—14.

Those who voted for Mr. Dixon, were

Sidney M. Barnes,
William J. Berry,
Henry G. Bibb,
Eli Bozarth,
Radford M. Cobb,

Joseph S. Conn,
Ira Ellis,
James W. Irwin,
Preston H. Leslie,
John G. McFarland,

Reuben Munday,
William Preston,
Shelby Stone,
John D. Taylor—14.

Those who voted for Mr. Helm, were

Abram I. Caldwell,
John Cunningham,
Ben. Hardin,

Thomas N. Lindsey,
Martin D. McHenry,

James F. Robinson,
John C. Walker—7.

Messrs. Preston and Irwin were appointed a committee on the part of the Senate, to compare the joint vote of the two Houses, and report the result.

After a short time, Mr. Preston reported that the joint vote stood thus:

For Mr. Meriwether,	-	-	-	-	-	-	58
For Mr. Dixon,	-	-	-	-	-	-	49
For Mr. Helm,	-	-	-	-	-	-	15
For Mr. Marshall,	-	-	-	-	-	-	9

Mr. Caldwell moved an adjournment at a quarter past one o'clock.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hooe and Munday, were as follows, viz:

Those who voted in the affirmative, were

Abram I. Caldwell,
John Cunningham,

Ben. Hardin,
Thomas N. Lindsey,

James F. Robinson,
John C. Walker—6.

Those who voted in the negative, were

Sidney M. Barnes,
William J. Berry,
Henry G. Bibb,
Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Wallace W. Brown,
Radford M. Cobb,
Joseph S. Conn,

Ira Ellis,
Richard D. Gholson,
John A. Goodson,
William A. Hooe,
James W. Irwin,
Preston H. Leslie,
Lewis L. Mason,
John G. McFarland,
Martin D. McHenry,

Isaac P. Miller,
Reuben Munday,
Thompson S. Parks,
William Preston,
John Shawhan,
Thomas J. Smith,
Samuel A. Spencer,
Shelby Stone,
John D. Taylor—27.

No one in nomination having received a majority of the votes given,

After an interchange of messages, the Senate proceeded to take another vote, which stood thus:

Those who voted for Mr. Meriwether, were

Thomas J. Blincoe,
William Bradley,
Wallace W. Brown,
John L. Elliott,
Richard D. Gholson,

John A. Goodson,
William A. Hooe,
Lewis L. Mason,
Isaac P. Miller,
James P. Orr,

Thompson S. Parks,
John Shawhan,
Thomas J. Smith,
Samuel A. Spencer—14.

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Ira Ellis,	Reuben Munday,
William J. Berry,	James W. Irwin,	William Preston,
Henry G. Bibb,	Preston H. Leslie,	Shelby Stone,
Eli Bozarth,	John G. McFarland,	John D. Taylor—13.
Joseph S. Conn,		

Those who voted for Mr. Helm, were

Abram I. Caldwell,	Ben. Hardin,	James F. Robinson,
Radford M. Cobb,	Thomas N. Lindsey,	John C. Walker—8.
John Cunningham,	Martin D. McHenry,	

The same committee was appointed to compare the joint vote, and report the result.

After a short time, Mr. Preston reported that the vote stood thus :

For Mr. Meriwether,	- - - - -	59
For Mr. Dixon,	- - - - -	48
For Mr. Helm,	- - - - -	16
For Mr. Marshall,	- - - - -	8

No one in nomination having received a majority of all the votes given.

After an interchange of messages, the Senate proceeded to take another vote, which stood thus :

Those who voted for Mr. Meriwether, were

Thomas J. Blincoe,	William A. Heoe,	Thompson S. Parks,
William Bradley,	Lewis L. Mason,	Jefferson Percifull,
Wallace W. Brown,	John G. McFarland,	John Shawhan,
John L. Elliott,	Isaac P. Miller,	Thomas J. Smith,
Richard D. Gholson,	James P. Orr,	Samuel A. Spencer—16.
John A. Goodson,		

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Joseph S. Conn,	Reuben Munday,
William J. Berry,	Ira Ellis,	William Preston,
Henry G. Bibb,	James W. Irwin,	Shelby Stone,
Eli Bozarth,	Preston H. Leslie,	John D. Taylor—12.

Those who voted for Mr. Helm, were

Abram I. Caldwell,	Ben. Hardin,	James F. Robinson,
Radford M. Cobb,	Thomas N. Lindsey,	John C. Walker—8.
John Cunningham,	Martin D. McHenry,	

The same committee were appointed to compare the joint vote, and report the result.

After a short time, Mr. Preston reported that the vote stood thus :

For Mr. Meriwether,	- - - - -	59
For Mr. Dixon,	- - - - -	46
For Mr. Helm,	- - - - -	16
For Mr. Marshall.	- - - - -	7

For Mr. Williams, -	-	-	-	-	-	-	2
For Mr. McKee, -	-	-	-	-	-	-	1
For Mr. C. M. Clay, -	-	-	-	-	-	-	1
And then the Senate adjourned.							

WEDNESDAY, NOVEMBER 26, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled an act to incorporate the Polish House of Israel, with an amendment.

That they had passed bills of the following titles, viz :

An act to prevent the giving spirituous liquors to slaves by peddlers.

An act repealing all acts permitting the County Court of Larue to subscribe stock in any railroad or turnpike company.

An act authorizing portions of the state road in Kenton county to be closed.

An act declaratory of the power of the city of Lexington to tax Insurance Companies and Lottery Offices.

An act for the benefit of John Bell, Jr.

An act to allow the Taylorsville and Louisville Turnpike Company to erect a gate near Jeffersontown.

An act to amend an act, entitled, an act to incorporate the Richmond and Irvine Plank Road Company, approved 25th January 1851.

An act to incorporate St. Joseph's Orphan's Society of Louisville.

An act incorporating Pitman Lodge, No. 124.

An act declaring Griffey's creek navigable.

The following petitions were presented, viz :

1. By Mr. Gholson—The petition of Isaac A. Meshew, praying the passage of a law giving validity to certain fee bills which have come into his hands.

2. By Mr. Berry—The petition of sundry citizens of Muhlenburg county, praying the passage of a law authorizing the creation of a Police Judge and Town Marshal, in the town of Rumsey.

3. By Mr. Blincoc—The petition of sundry citizens of Washington county, asking an appropriation of money in aid of the objects of the Colonization Society.

4. By Mr. Mason—The petition of sundry citizens of the Petersburg

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school district in Boone county, praying the passage of a law authorizing them to levy a tax for Educational purposes.

5. By same—The petition of sundry citizens of Florence, Boone county, praying the repeal of a law chartering as an Academy, the Town Hall in said town.

6. By same—The remonstrance of sundry citizens of the town of Florence, protesting against the repeal of a law chartering as an Academy, the Town Hall in said town.

7. By Mr. Percifull—The petition of Thomas Marsie, praying the passage of a law granting him remuneration for losses sustained, in being forced to abandon his possession of lands occupied by him in the early settlement of this country.

Which were received, the reading dispensed with, and referred—the 1st and 2d to the committee on the Judiciary; the 3d and 7th to the committee on Finance, and the 4th, 5th, and 6th to the committee on Education.

Mr. McHenry, from the committee on the Judiciary, to whom was referred a bill to amend an act, entitled, an act to regulate the retailing of ardent spirits, reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

And the question being taken on dispensing with the third reading of said bill, it was decided in the negative.

Mr. Hardin, from the committee on Finance, to whom was referred a bill to re-establish and re-mark corners of the sectionized lands west of the Tennessee river, reported the same with amendments, which were concurred in.

Ordered, That said bill be placed in the orders of the day.

The following bills were reported from select committees, viz :

By Mr. Brown—1. A bill declaring the Open Fork of Paint and Abbott creeks navigable streams.

By Mr. Orr—2. A bill for the benefit of the Owenton and Ross's Mill Turnpike Road Company.

By Mr. Mason—3. A bill for the benefit of Common School District No. —, at Petersburg.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st and 2d were ordered to be engrossed and read a third time, and the 3d was referred to the committee on Education.

The constitutional provision as to the third reading of the 1st and 2d bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Goodson moved to reconsider the vote refusing to order to a third reading, a bill more effectually to suppress the practice of gambling; and the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Shawhan and Taylor, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Ira Ellis,	Isaac P. Miller,
Henry G. Bibb,	Richard D. Gholson,	Reuben Munday,
Thomas J. Blincoe,	John A. Goodson,	Thompson S. Parks,
Eli Bozarth,	Walker W. Haley,	William Preston,
Wallace W. Brown,	Ben. Hardin,	James F. Robinson,
Abram I. Caldwell,	James W. Irwin,	Samuel A. Spencer,
Joseph S. Conn,	Preston H. Leslie,	Shelby Stone,
John Cunningham,	Thomas N. Lindsey,	John C. Walker—26.
John L. Elliott,	Martin D. McHenry,	

Those who voted in the negative, were

Lewis L. Mason,	John Shawhan,	John D. Taylor—3.
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Leave was given to bring in the following bills, viz :

On motion of Mr. Irwin—1. A bill to incorporate a company to construct a Railroad from Glasgow in Barren, or Franklin in Simpson county, to the Tennessee line, in the direction of Clarksville.

On motion of Mr. Orr—2. A bill for the benefit of School District No. 29, in Owen county.

On motion of same—3. A bill to authorize the County Court Clerk of Owen to transcribe and index order books A and B, of said court.

On motion of Mr. Mason—4. A bill to repeal the charter of the Florence Academy.

Ordered, That the committee on Internal Improvement prepare and bring in the 1st; the committee on Education, the 2d; Messrs. Orr, Hooe, and Taylor, the 3d; and Messrs. Mason, Goodson, and Orr, the 4th.

Mr. McHenry offered the following resolution, viz :

WHEREAS, His Excellency the Governor of this Commonwealth, on the 31st day of October, 1851, issued the following proclamation :

PROCLAMATION BY THE GOVERNOR.

It is a custom, now time-honored in our country—a custom eminently befitting a free christian people, singularly favored of God—to set apart, annually, by public authority, a day of thanksgiving and prayer, as a public recognition of the great and manifold blessings which a Beneficent Providence has bestowed upon us.

The year, now drawing to its close, has exhibited no less numerous nor important grounds for public Thanksgiving than any former year in the history of the Commonwealth. The blessings of civil and religious freedom have continued to be enjoyed by our people in their fullest measure. The public tranquility, notwithstanding the excitement necessarily

growing out of organic change in the government, has not even been threatened. The bonds which unite this Commonwealth in glorious confederacy with sister Commonwealths, though having been tested to the utmost by sectional excitements of unwonted violence from opposite extremes, remain unimpaired in their strength. The honor of our country has been preserved untarnished, and the influence of its example has been extended among the nations of the earth. The "Pestilence, that walketh in darkness," has been permitted merely to indicate its presence within our borders, leaving our people, generally, to rejoice in the blessings of health. The fruits of the earth in unmeasured abundance have repaid the toils of the husbandman, and all the branches of industry and enterprise have met with a due reward. Physical, intellectual, and moral improvement, has made evident advance among our people.

Deeming it proper, therefore, that public and universal demonstration should be made of our gratitude to Almighty God for blessings so various and so beneficent,

I, LAZARUS W. POWELL, Governor of the Commonwealth of Kentucky, do hereby recommend to the people of Kentucky the observance of *Thursday, the 27th day of November, 1851*, as a day of *THANKSGIVING*; and request that on that day the ordinary pursuit of business be suspended, in order to allow unrestricted attendance, to all who may be so disposed, upon assemblages for public prayer, thanksgiving and praise.

In testimony whereof, I have hereunto set my name, and caused the seal of the Commonwealth to be affixed. Done at Frankfort, [L. S.] this 31st day of October, 1851, and in the 60th year of the Commonwealth.

L. W. POWELL.

By the Governor:

D. MERIWETHER, Secretary of State.

Resolved, That out of respect to said proclamation of His Excellency, and with a view of enabling Senators to attend public worship, in compliance with the Governor's official advice, the Senate, when it adjourns on this day, will adjourn to meet on Friday the 28th instant.

Which was adopted.

Mr. Gholson offered the following resolution, viz:

WHEREAS, by the laws of this Commonwealth, and the established usages of its courts, (a usage founded alike in wisdom and experience,) no man is, or can be permitted to plead ignorance of any existing law, as an excuse for a violation of, or a non-compliance with, any provision thereof;

AND WHEREAS, not only the beauty and excellence, but the justice and expediency, of any code of laws, depends upon the plainness, certainty, and intelligibility of their provisions—their adaptation to the wants and convenience of society, and the ease and certainty with which they are understood, by those whose reputations, lives, liberty, and property they are made to dispose of. It therefore follows, that it is anti-republican, cruel, and unjust, to take away the property of, or punish a freeman, for the violation of laws written in a language he does not speak or understand;

AND WHEREAS, by the Constitution of this Commonwealth, all freemen

are declared to be equals, and this equality would be violated by publishing the laws interlarded with a language known to and understood only by the highly educated and favored few;

AND WHEREAS, the Statute Laws of this Commonwealth do, in violation of this fundamental principle, contain many words and sentences, the meaning of which the great mass of her citizens do not comprehend, the retention of which will create and perpetuate invidious distinctions, giving incalculable advantages to the learned and powerful, discriminating in favor of the rich, and against the poor, the commonly educated, the weak and humble: for remedy whereof,

Be it resolved, That the committee on the Judiciary be, and they are hereby instructed to strike all Latin, Norman French, and other phrases belonging to any dead or foreign language, from the Statutes of this Commonwealth, and in their places insert such common, plain English words as will best express the meaning of the terms so stricken out.

Mr. McHenry moved the previous question.

And the question being taken, "shall the main question be now put?" it was decided in the affirmative.

The main question was then put, "shall the resolution be adopted?" and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gholson and Brown, were as follows, viz:

Those who voted in the affirmative, were

Eli Bozarth,	Richard D. Gholson,	Thompson S. Parks,
Wallace W. Brown,	John A. Goodson,	Thomas J. Smith,
Radford M. Cobb,	James P. Orr,	Shelby Stone—9.

Those who voted in the negative, were

Sidney M. Barnes,	Ira Ellis,	Isaac P. Miller,
William J. Berry,	Walker W. Haley,	Reuben Munday,
Henry G. Bibb,	Ben. Hardin,	Jefferson Percifull,
Thomas J. Blincoe,	William A. Hoee,	William Preston,
William Bradley,	James W. Irwin,	James F. Robinson,
Abram I. Caldwell,	Preston H. Leslie,	John Shawhan,
Joseph S. Conn,	Thomas N. Lindsey,	Samuel A. Spencer,
John Cunningham,	Lewis L. Mason,	John D. Taylor,
John L. Elliott,	Martin D. McHenry,	John C. Walker—27.

Mr. Leslie moved the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That Thomas J. Smith, the Senator from Warren, be added to the joint committee on Banks.

The rule of the Senate being dispensed with, said resolution was taken up, read twice, and adopted.

Mr. Gholson offered the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to insert in the Laws of this Commonwealth, immediately after any Latin, or other foreign phrase, the meaning thereof in plain English.

Which was decided in the negative.

The Senate took up for consideration a bill to amend the charter of the Louisville and Covington Railroad Company, with the amendment proposed thereto by Mr. Lindsey.

Mr. Lindsey withdrew said amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Resolved, That the Senate adhere to their first and second amendment proposed to a bill from the House of Representatives, entitled, "an act incorporating the Newport and Cincinnati Bridge Company," and recede from their third amendment to said bill.

The Senate took up for consideration the amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to incorporate the Polish House of Israel, which was concurred in.

Resolved, That the Senate concur in the amendment proposed by the House of Representatives, to an amendment proposed by the Senate, to a bill from the House of Representatives, entitled, an act for closing up certain old roads in Fleming county.

Bills from the House of Representatives of the following titles, were read the first time, viz :

1. An act for the benefit of James C. Calhoon, Sheriff of McCracken county.

2. An act to incorporate the town of Eminence.

3. An act to amend an act, entitled, an act incorporating the town of Livermore in Ohio county, and for other purposes.

4. An act incorporating the People's Hydropathic Literary and American Reform College of Kentucky.

5. An act for the benefit of school district, No. 21, in Calloway county, and No. 37, in Hardin county.

6. An act for the benefit of Joseph Curd, of Jessamine county.

7. An act to allow the Taylorsville and Louisville Turnpike Company to erect a gate near Jeffersontown.

8. An act declaring Griffey's creek navigable.

9. An act to prohibit the giving spirituous liquors to slaves by peddlers.

10. An act for the benefit of John Bell, Jr.

11. An act authorizing portions of the state road in Kenton county to be closed.

12. An act declaratory of the power of the city of Lexington to tax Insurance Companies and Lottery Offices.

13. An act to amend an act, entitled, an act to incorporate the Richmond and Irvine Plank Road Company, approved 25th January, 1851.

14. An act incorporating Pitman Lodge, No. 124.

15. An act repealing all acts permitting the County Court of Larue to subscribe stock in any railroad or turnpike company.

16. An act to incorporate St. Joseph's Orphans' Society of Louisville.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st was referred to the committee on Finance; the 2nd, 3d, 4th, 9th, 12th, and 14th, to the committee on the Judiciary; the 5th to the committee on Education; the 6th, 8th, 10th, 11th, and 13th, to the committee on Internal Improvement; and the 7th, 15th, and 16th, were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of the 7th, 15th and 16th bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up the veto message of the Governor.

Ordered, That said message be referred to the committee of the whole, and that it be made the special order of the day for the 29th inst.

Ordered, That Messrs. Preston and Robinson inform the House of Representatives that the Senate is now ready to proceed to the election of a Senator in Congress.

The Senate took up for consideration the resolution of Mr. Hooe, read and laid on the table on the 24th inst.

Said resolution is as follows, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That the election of a Senator in the Congress of the United States be and the same is hereby postponed for the present session.

A message was received from the House of Representatives, announcing that they had adopted a resolution postponing the election of United States Senator.

Mr. McHenry moved to amend the resolution offered by Mr. Hooe, by striking out "for the present session," and inserting in lieu thereof, "until the 11th day of December next."

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and Conn, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	John Cunningham,	Reuben Munday,
William J. Berry,	Ira Ellis,	William Preston,
Henry G. Bibb,	Walker W. Haley,	James F. Robinson,
Abram I. Caldwell,	Preston H. Leslie,	John D. Taylor,
Radford M. Cobb,	Martin D. McHenry,	John C. Walker—16.
Joseph S. Conn,		

Those who voted in the negative, were

Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Wallace W. Brown,
John L. Elliott,
Richard D. Gholson,
John A. Goodson,

Ben. Hardin,
William A. Hooe,
James W. Irwin,
Lewis L. Mason,
Isaac P. Miller,
James P. Orr,

Thompson S. Parks,
Jefferson Percifull,
John Shawhan,
Thomas J. Smith,
Samuel A. Spencer,
Shelby Stone—19.

Mr. McHenry, at a quarter past one o'clock, moved an adjournment.
And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hooe and Brown, were as follows, viz :

Those who voted in the affirmative, were

Abram I. Caldwell,
Radford M. Cobb,
Joseph S. Conn,
John Cunningham,

John L. Elliott,
Ben. Hardin,
Preston H. Leslie,
Thomas N. Lindsey,

Martin D. McHenry,
James F. Robinson,
John C. Walker—11.

Those who voted in the negative, were

Sidney M. Barnes,
William J. Berry,
Henry G. Bibb,
Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Wallace W. Brown,
Ira Ellis,

Richard D. Gholson,
John A. Goodson,
Walker W. Haley,
William A. Hooe,
Lewis L. Mason,
Isaac P. Miller,
Reuben Munday,
James P. Orr,

Thompson S. Parks,
Jefferson Percifull,
William Preston,
John Shawhan,
Thomas J. Smith,
Samuel A. Spencer,
Shelby Stone,
John D. Taylor—24.

Mr. Haley moved to lay said resolution on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Haley and Irwin, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,
William J. Berry,
Henry G. Bibb,
Radford M. Cobb,
Joseph S. Conn,

John Cunningham,
Ira Ellis,
Walker W. Haley,
James W. Irwin,
Preston H. Leslie,

Reuben Munday,
William Preston,
Shelby Stone,
John D. Taylor,
John C. Walker—15.

Those who voted in the negative, were

Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Wallace W. Brown,
Abram I. Caldwell,
John L. Elliott,
Richard D. Gholson,

John A. Goodson,
Ben. Hardin,
William A. Hooe,
Thomas N. Lindsey,
Lewis L. Mason,
Martin D. McHenry,
Isaac P. Miller,

James P. Orr,
Thompson S. Parks,
Jefferson Percifull,
James F. Robinson,
John Shawhan,
Thomas J. Smith,
Samuel A. Spencer—21.

Mr. Hooe moved the previous question.

And the question being taken, "shall the main question be now put," it was decided in the affirmative.

Mr. Preston, at half past 1 o'clock, moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bradley and Gholson, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Walker W. Haley,	Reuben Munday,
William J. Berry,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	James W. Irwin,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	Shelby Stone,
Joseph S. Conn,	Thomas N. Lindsey,	John D. Taylor,
John Cunningham,	Martin D. McHenry,	John C. Walker—19.
Ira Ellis,		

Those who voted in the negative, were

Henry G. Bibb,	Richard D. Gholson,	Thompson S. Parks,
Thomas J. Blincoe,	John A. Goodson,	Jefferson Percifull,
Eli Bozarth,	William A. Hooe,	John Shawhan,
William Bradley,	Lewis L. Mason,	Thomas J. Smith,
Wallace W. Brown,	Isaac P. Miller,	Samuel A. Spencer—17.
John L. Elliott,	James P. Orr,	

And then the Senate adjourned.

FRIDAY, NOVEMBER 28, 1851.

A message was received from the House of Representatives announcing that they had passed a bill from the Senate, entitled, an act for the benefit of Mahlon Pruden and others, with amendments.

That they had passed bills of the following titles, viz:

1. An act to amend an act, entitled, an act to prevent the wanton destruction of fish.
2. An act to incorporate Caseyville Lodge, No. 168, of Free and Accepted Masons.
3. An act to extend the corporate limits of the town of Poplar Plains, in Fleming county.
4. An act to incorporate Clay Lodge, No. 38, Independent Order of Odd Fellows.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, to the committee on Internal Improvement; and the 2d, 3d, and 4th, to the committee on the Judiciary.

The following petitions were presented, viz :

1. By Mr. Bibb—The petition of sundry citizens of Todd county, praying the passage of a law changing a voting place in said county.
2. By same—The petition of sundry citizens of Todd county, praying the passage of a law authorizing the creation of an additional Magistrates' and Constable's district in said county.
3. By Mr. Spencer—The petition of sundry citizens of Green county, praying an appropriation of money for colonization purposes.
4. By Mr. McHenry—The petition of sundry citizens of Shelby county, praying the passage of a law appropriating money for colonization purposes.

Which were received, the reading dispensed with, and referred—the 1st and 2d to the committee on Propositions and Grievances; and the 3d and 4th to the committee on Finance.

Mr. McHenry, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of persons holding lands lying back of other lands in the vicinity of any of the navigable streams in this state, reported the same with an amendment, which was concurred in.

Ordered, That said bill be placed in the orders of the day.

Mr. McHenry, from the same committee, to whom was referred a bill to amend an act, entitled, an act further to protect the rights of married women, reported the same, with an expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative. So said bill was disagreed to.

Mr. Preston moved to reconsider the vote by which the Senate refused to order said bill to be read a third time, which was decided in the affirmative.

Ordered, That said bill be made the special order of the day for the second day of December next.

Mr. Hardin, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled an act for the benefit of Elizabeth Sicard, reported the same, with an expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative. So said bill was disagreed to.

The following bills were reported from select committees :

By Mr. Thomasson—1. A bill authorizing Free Banking in the Commonwealth of Kentucky.

By Mr. Gholson—2. A bill to re-establish a portion of the line between the counties of Hickman and Graves.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st be placed in the orders of the day, and that the Public Printer print 150 copies thereof, for the use of the General Assembly; and that the 2d be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz :

On motion of Mr. Leslie—1. A bill to amend the laws upon the subject of the action of trespass.

On motion of Mr. Smith—2. A bill to authorize the County Court of Warren to provide means to build the Bowlinggreen and Tennessee Railroad.

On motion of Mr. Percifull—3. A bill to change the time of holding the monthly and quarterly courts of Perry county.

On motion of Mr. Cobb—4. A bill for the benefit of a former Sheriff of Whitley county.

On motion of Mr. Gholson—5. A bill to provide for re-establishing a part of the county line between the counties of Hickman and Graves.

Ordered, That the committee on the Judiciary prepare and bring in the 1st; the committee on Internal Improvement, the 2d; Messrs. Percifull, Haley, and Cobb, the 3d; Messrs. Cobb, Caldwell, and Taylor, the 4th; and Messrs. Gholson, Spencer, and Berry, the 6th.

On motion of the Mr. Stone—*Ordered*, That Mr. Lindsey be added to the committee on the Judiciary.

Mr. Ellis asked to be excused from serving on the committee to visit the Deaf and Dumb Asylum at Danville, which was granted.

Ordered, That Mr. Hooe be placed on said committee.

Ordered, That Messrs. Preston and Robinson inform the House of Representatives that the Senate is now ready to proceed to the election of a Senator in Congress.

The Senate resumed the consideration of the resolution of Mr. Hooe, postponing the election of a Senator in Congress.

Said resolution is as follows, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That the election of a Senator in the Congress of the United States be and the same is hereby postponed for the present session.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Parks and Elliott, were as follows, viz :

Those who voted in the affirmative, were

Thomas J. Blincoe,	John A. Goodson,	Thompson S. Parks,
Eli Bozarth,	Ben. Hardin,	Jefferson Percifull,
William Bradley,	William A. Hooe,	James F. Robinson,
Wallace W. Brown,	Thomas N. Lindsey,	John Shawhan,
Abram I. Caldwell,	John G. McFarland,	Thomas J. Smith,
John Cunningham,	Martin D. McHenry,	Samuel A. Spencer,
John L. Elliott,	Isaac P. Miller,	John J. Thomasson—23.
Richard D. Gholson,	James P. Orr,	

Those who voted in the negative, were

Sidney M. Barnes,	Ira Ellis,	William Preston,
William J. Berry,	Walker W. Haley,	Shelby Stone,
Henry G. Bibb,	James W. Irwin,	John D. Taylor,
Radford M. Cobb,	Preston H. Leslie,	John C. Walker—14.
Joseph S. Conn,	Reuben Munday,	

The Senate took up for consideration the resolution of the House of Representatives, postpoing the election of a Senator in Congress.

Said resolution is as follows :

Resolved by the General Assembly of the Commonwealth of Kentucky, That the election of United States Senator be postponed until the 11th of December next.

Mr. Preston moved the previous question.

And the question being taken, "shall the main question be now put?" which was decided in the affirmative.

The main question was then put, "shall the resolution be adopted?"

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Leslie and Haley, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Ira Ellis,	Martin D. McHenry,
William J. Berry,	Walker W. Haley,	Reuben Munday,
Henry G. Bibb,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	James W. Irwin,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	Thomas N. Lindsey,	John C. Walker—19.
John Cunningham,		

Those who voted in the negative, were

Thomas J. Blincoe,	John A. Goodson,	Jefferson Percifull,
Eli Bozarth,	William A. Hooe,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith,
Wallace W. Brown,	Isaac P. Miller,	Samuel A. Spencer,
John L. Elliott,	James P. Orr,	Shelby Stone,
Richard D. Gholson,	Thompson S. Parks,	John J. Thomasson—18.

The Senate took up for consideration a bill to amend an act, entitled, an act to regulate the retailing of ardent spirits.

Said bill having been read a third time, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Shawhan and Bozarth, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	John L. Elliott,	Thompson S. Parks,
William J. Berry,	John A. Goodson,	Jefferson Percifull,
Thomas J. Blincoe,	Walker W. Haley,	James F. Robinson,
Wallace W. Brown,	Ben. Hardin,	Samuel A. Spencer,
Abram I. Caldwell,	William A. Hooe,	John J. Thomasson,
Radford M. Cobb,	Thomas N. Lindsey,	John C. Walker—20.
Joseph S. Conn,	Martin D. McHenry,	

Those who voted in the negative, were

Henry G. Bibb,	James W. Irwin,	Reuben Munday,
Eli Bozarth,	Preston H. Leslie,	John Shawhan,
William Bradley,	John G. McFarland,	Shelby Stone,
Ira Ellis,	Isaac P. Miller,	John D. Taylor—12.

The Senate took up for consideration a bill authorizing Judges of County Courts to change voting places, and the boundary lines of Justices' districts and voting precincts.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, the question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Leslie and Ellis, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Ira Ellis,	James P. Orr,
William J. Berry,	Richard D. Gholson,	Thompson S. Parks,
Henry G. Bibb,	John A. Goodson,	James F. Robinson,
Eli Bozarth,	Walker W. Haley,	John Shawhan,
William Bradley,	William A. Hooe,	Thomas J. Smith,
Wallace W. Brown,	Preston H. Leslie,	Samuel A. Spencer,
Abram I. Caldwell,	Thomas N. Lindsey,	Shelby Stone,
Radford M. Cobb,	John G. McFarland,	John D. Taylor,
Joseph S. Conn,	Martin D. McHenry,	John J. Thomasson,
John Cunningham,	Isaac P. Miller,	John C. Walker—31.
John L. Elliott,		

Those who voted in the negative, were

Thomas J. Blincoe,
Ben. Hardin,

James W. Irwin,
Reuben Munday,

Jefferson Percifull—5.

The Senate took up for consideration a bill to re-establish and re-mark corners of the sectionized lands west of the Tennessee river.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as afore-said.

Mr. Hardin moved that leave of absence be granted Mr. Barnes, until the 6th day of December next, which was granted.

And then the Senate adjourned.

SATURDAY, NOVEMBER 29, 1851.

A message was received from the House of Representatives, announcing their disagreement to a resolution from the Senate, postponing the election of United States Senator.

That they had concurred in a resolution from the Senate, adding Thomas J. Smith to the joint committee on Banks, with an amendment.

That they had passed bills from the Senate of the following titles, viz:

An act to amend the charter the Louisville and Covington Railroad Company.

An act declaring the Open Fork of Paint creek and Abbott's creek navigable streams.

An act for the benefit of the Owenton and Ross's Mill Turnpike Road Company.

That they had passed bills of the following titles, viz:

An for the benefit of the Sheriff of Garrard county.

An act changing the time of holding the court of claims in Mason county.

An act changing the time of holding the court of claims, in Oldham county.

An act for the benefit of the town of Lebanon, in Marion county.

The following petitions and memorial were presented, viz :

1. By Mr. Irwin—The petition of sundry citizens of the county of Logan, praying the passage of a law in relation to the traffic in spirituous liquors.

2. By Mr. McHenry—The memorial of the Grand Division of the Sons of Temperance.

3. By same—The petition of sundry citizens of the counties of Mason and Bracken, praying the passage of a law in relation to the traffic in spirituous liquors.

4. By Mr. Bozarth—The petition of sundry citizens of the county of Grayson, praying the passage of a law creating the office of Town Marshal, in the town of Litchfield.

Which petitions and memorial were received, the reading dispensed with, and referred to the committee on the Judiciary.

Mr. Taylor, from the committee on Education, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act dividing school district, No. 58, in Adair county.

An act for the benefit of school district, No. 21, in Calloway county, and No. 37, in Hardin county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Taylor, from the same committee, asked to be discharged from the further consideration of the petition and remonstrance of the citizens of Florence, Boone county, in relation to the Florence Academy, which was granted.

Ordered, That said petition and remonstrance be referred to the committee on the Judiciary.

Mr. Hardin, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act for the benefit of James C. Calhoun, Sheriff of McCracken county.

An act for the benefit of the late Sheriffs of the several counties in this state.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act for the benefit of Mahlon Pruden and others, reported the same, with the expression of opinion that the Senate disagree to the 1st, 2d, 3d, and 5th, and concur in the 4th amendment to said bill.

And the question being taken on concurring with the committee in their report, it was decided in the affirmative.

Mr. Hardin, from the same committee, to whom was referred the petition of Thomas Marsie, reported the same, with the following resolution :

Resolved, That said petition be rejected.

Which was adopted.

Mr. Hardin, from the same committee, to whom was referred the petition of sundry citizens of Washington county, praying an appropriation of money in aid of colonization purposes, reported the same with the following resolution, viz :

Resolved, That said petition be rejected.

Which was adopted.

Mr. Goodson moved the following resolution, viz :

Resolved, That the committee on Public Buildings be and they are hereby instructed, in their superintendence over the Capitol, the public grounds, and public interests connected therewith, to inquire into the cause of the noxious gasses and offensive vapors by which the deliberations and health of the General Assembly and other public officers is seriously threatened, and report such law to abate nuisances, and remedy the evil as in their judgment will affect that object.

Which was adopted.

On motion of Mr. Bibb, leave was given to bring in a bill to amend an act, entitled, an act authorizing the Circuit Courts to change the venue in penal and criminal prosecutions, approved March 20, 1851.

Messrs. Bibb, Ellis, and Parks, were appointed a committee to prepare and bring in said bill.

The Senate took up for consideration a bill from the House of Representatives, entitled, an act for the benefit of persons holding land, lying back of other lands in the vicinity of any of the navigable streams in this State.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

MONDAY, DECEMBER 1, 1851.

Mr. McHenry, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act authorizing the Ohio County Court to establish a new election precinct, and change the boundaries of others in said county.

An act to incorporate the town of Eminence.

An act to amend an act, entitled, an act incorporating the town of Livermore in Ohio county, and for other purposes.

An act to incorporate Caseyville Lodge, No. 168, of Free and Accepted Masons.

An act declaratory of the power of the city of Lexington to tax Insurance Companies and Lottery Offices.

An act to incorporate Pitman Lodge No. 124.

An act to incorporate Clay Lodge, No. 38, Independent Order of Odd Fellows.

Reported she same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry from the same committee, to whom were referred bills from the House of Representatives, of the following titles, viz :

1. An act to prohibit the giving spirituous liquors to slaves, by peddlers.

2. An act to allow a Marshal to the town of Harrisonville, Shelby county.

Reported the 1st without, and the 2d with an amendment, as a substitute for said bill ; which was concurred in.

Ordered, That the 1st bill be placed in the orders of the day ; and that the 2d, as amended, be read a third time.

The constitutional provision as to the third reading of the 2d bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act incorporating the People's Hydropathic Literary and American Reform College, of Ken-

tucky, reported the same, with an expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative. So said bill was disagreed to.

Mr. McHenry, from the same committee, to whom was referred a bill to change the time of electing Justices of the Peace and Constables, reported the same with the expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Stone, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Walker W. Haley,	Jefferson Percifull,
Thomas J. Blincoe,	Ben. Hardin,	John Shawhan,
Eli Bozarth,	Lewis L. Mason,	Thomas J. Smith,
Wallace W. Brown,	Isaac P. Miller,	Shelby Stone,
Richard D. Gholson,	James P. Orr,	John D. Taylor,
John A. Goodson,	Thompson S. Parks,	John J. Thomasson—18.

Those who voted in the negative, were

Henry G. Bibb,	James W. Irwin,	Reuben Munday,
William Bradley,	Preston H. Leslie,	James F. Robinson,
Joseph S. Conn,	Thomas N. Lindsey,	Samuel A. Spencer,
Ira Ellis,	Martin D. McHenry,	John C. Walker—12.

Ordered, That said bill be placed in the orders of the day.

Mr. McHenry, from the same committee, to whom was referred a bill to dispense with commissions for certain officers in this Commonwealth, reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the same committee, reported a bill to suppress the practice of shooting at marks on public highways in this Commonwealth, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be placed in the orders of the day.

Mr. Stone, from the committee on Circuit Courts, to whom was referred a bill from the House of Representatives, entitled, an act authorizing a special term of the Fleming Circuit Court, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Stone, from the same committee, reported a bill to change the time of holding the Circuit Courts for the counties of Daviess, Ohio, and Muhlenburg, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be placed in the orders of the day.

Mr. Irwin, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

1. An act authorizing portions of the state road in Kenton county to be closed.

2. An act to declare Troublesome creek a navigable stream to Samuel Cornett's, in Letcher county.

Reported the same, the 1st without, and the 2d with an amendment, which was concurred in.

Ordered, That said bills, the 2d as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin, from the same committee, reported a bill to incorporate the Ohio River, Bedford, and Campbellsburg Plank Road Company, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from select committees, viz:

By Mr. Bibb—1. A bill amendatory of an act, entitled, an act authorizing Circuit Courts to change venue in penal and criminal prosecutions.

By Mr. Percifull—2. A bill to change the time of holding the Perry county and quarterly Courts.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st be referred to the committee on Circuit Courts, and the 2d be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as afore-said.

The Speaker laid before the Senate a response from the Auditor, to a resolution of inquiry as to the probable expenses that would be attendant on carrying into effect the system for the registration of births, deaths, and marriages, in Kentucky.

Said resolution and response were read, as follows, viz:

AUDITOR'S OFFICE, }
FRANKFORT, 29th Nov. 1851. }

HON. JOHN B. THOMPSON,

Lieutenant Governor and Speaker of the Senate:

SIR: In compliance with the following resolution,

"*Resolved*, That the Auditor of Public Accounts be requested to furnish the Senate with an estimate of the probable cost of carrying into effect the system for the registration of births, deaths and marriages in Kentucky, as contemplated in a bill reported for that purpose, to the Senate, from the committee on the Judiciary, supposing in said estimate that the blank allowance to the assessor will be filled with two cents; and supposing that five hundred copies of the tabular statement required to be made by the Auditor will be the number directed by the bill."

I have made the necessary examinations as to the probable cost to carry into effect the system of registration as named. I have found it difficult to come to any certain conclusions upon the subject; but, from the best information now to be had, I think the cost will certainly be two thousand dollars, and it may be extended to twenty-five hundred, but it will not exceed the latter amount.

I am, sir, very respectfully,

THO. S. PAGE,
Auditor.

Mr. Spencer, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the Senate, of the following title, viz:

An act to allow the County Court of Franklin to subscribe stock in Turnpikes, and for other purposes.

And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Spencer reported that the committee had performed that duty.

A message was received from the House of Representatives, by Mr.

Williams, announcing that they insist on their 1st, 2nd, 3d, and 5th amendments, to a bill from the Senate, entitled, an act for the benefit of Mahlon Pruden and others, and had appointed a committee of conference on their part, to act in conjunction with a similar committee on the part of the Senate, in relation to the disagreement between the two Houses on said bill.

Whereupon, the committee of Finance were appointed on the part of the Senate.

Ordered, That Mr. Hardin inform the House thereof.

A message was received from the Governor, by Mr. Metcalfe, Assistant Secretary of State, announcing that he had approved and signed an enrolled bill, which originated in the Senate, entitled, an act to allow the County Court of Franklin to subscribe stock in turnpikes, and for other purposes.

Approved December 1, 1851.

The Senate, according to order, took up the veto message of the Governor.

Ordered, That said message be referred to the committee of the whole, and that it be made the special order of the day for Tuesday, the 9th inst.

The Senate took up for consideration a bill to provide for the registration of births, deaths and marriages in Kentucky.

Ordered, That said bill be made the special order of the day for Wednesday, the 10th inst.

The Senate took up for consideration a bill authorizing free banking in this Commonwealth.

Ordered, That said bill be referred to the committee on Banks.

The Senate also took up for consideration the amendment proposed by the House of Representatives to a resolution from the Senate, adding Thomas J. Smith to the joint committee on Banks; which was twice read and concurred in.

Leave was given to bring in the following bills, viz:

On motion of Mr. Goodson—1. A bill to amend and change the laws concerning the city of Newport.

On motion of Mr. Orr—2. A bill for the benefit of Liberty Lodge, No. 126, of Free and Accepted Masons.

On motion of Mr. Leslie—3. A bill for the benefit of Monroe county.

On motion of Mr. Conn—4. A bill to adjust and settle the claims against the Commonwealth, of the Judges and other officers of the Court of Appeals, commonly called the New Court.

Ordered, That the committee on the Judiciary prepare and bring in the 1st; Messrs. Orr, Berry, and Mason, the 2nd; Messrs. Leslie, Conn, and Walker, the 3d; and Messrs. Conn, Miller, and McFarland, the 4th.

Bills from the House of Representatives were read the first time, viz:

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e, viz:

1. An act for the benefit of the sheriff of Garrard county.
 2. An act changing the time of holding the Court of Claims in Mason county.
 3. An act changing the time of holding the Court of Claims in Oldham county.
 4. An act for the benefit of the town of Lebanon, in Marion county.
- Ordered*, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st was referred to the committee on Finance; and the 2nd, 3d, and 4th, to the committee on the Judiciary.

And then the Senate adjourned.

TUESDAY, DECEMBER 2, 1851.

A message was received from the House of Representatives, announcing their concurrence to an amendment proposed by the Senate to a bill from the House of Representatives, entitled, an act for the benefit of persons holding lands lying back of other lands in the vicinity of any of the navigable streams in this state.

That they had passed bills of the following titles, viz:

An act to incorporate the Lexington and Cumberland Railroad Company.

An act for the benefit of Kean O'Hara.

An act authorizing William Garrard to build a Fish Dam and Trap across main Licking river.

An act to amend an act, entitled, an act to extend the limits of the town of Hopkinsville, approved February 4, 1846.

An act to authorize a change in the state road in Todd county.

An act to incorporate Proctor Division, No. 205, Sons of Temperance.

An act to authorize the Clerk of the Logan County Court to transcribe and have re-bound certain record books.

An act to suspend the operation of the law in relation to changing Common School Districts in the county of Christian.

An act to amend the several acts regulating the election of Trustees of the town of Scottsville.

The following petitions were presented, viz:

By Mr. McHenry—1. The petition of sundry citizens of the county of Shelby, praying the passage of a law in relation to the traffic in ardent spirits.

By Mr. Thomasson—2. The petition of Isaac Johnson, praying for relief for keeping an idiot.

By Mr. Mason—3. The petition of sundry citizens of Carroll county, praying an amendment to the charter of the Ghent and Eagle Creek Turnpike Road Company.

By Mr. Mason—4. The petition of the stockholders of the Ghent and Eagle Creek Turnpike Road Company, asking certain powers to be conferred upon said company.

By Mr. Bibb—5. The petition of sundry citizens of Todd county, praying the passage of a law changing the law establishing the town of Fairview.

By Mr. Gholson—6. The petition of John Betts, jailer of Fulton county, praying the passage of a law remunerating him for keeping a negro in jail, supposed to be a slave.

Which petitions were received, the reading dispensed with, and referred—the 1st to the committee on the Judiciary; the 2d and 4th to the committee on Finance; the 3d to the committee on Internal Improvement; the 5th to the committee on Propositions and Grievances; and the 6th to a select committee consisting of Messrs. Gholson, Berry, and Spencer.

Mr. McHenry, from the committee on the Judiciary, reported a bill to increase the jurisdiction of Justices of the Peace, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be placed in the orders of the day, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Hardin, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of John Friend and Jacob Fitzpatrick.

An act for the benefit of the Sheriff of Garrard county.

An act for the benefit of Stephen Adams, deputy Sheriff of Clarke county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from select committees :

By Mr. Orr—1. A bill to incorporate Liberty Lodge, No. 126, of Free and Accepted Masons.

By same—2. A bill to authorize the Clerk of the County Court of Owen to index record books A and B in his office.

By Mr. Conn—3. A bill to adjust and settle the claims of officers of the Court of Appeals against the Commonwealth.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st and 2d were ordered to be engrossed and read a third time ; and the 3d was referred to the committee on Finance.

The constitutional provision as to the third reading of the 1st and 2d bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz :

On motion of Mr. Irwin—1. A bill to change the time of holding the Logan quarterly Courts.

On motion of Mr. Elliott—2. A bill for the benefit of William Kouns, of Greenup county.

On motion of Mr. Thomasson—3. A bill to change the time of holding the sessions of the Henry County Court.

On motion of Mr. Miller—4. A bill to amend an act, entitled, an act to charter the City of Louisville, approved —, 1851.

On motion of Mr. Walker—5. A bill to repeal, in part, and reorganize an act organizing County Courts, approved March 11, 1851.

On motion of Mr. Bibb—6. A bill to authorize the Marshal of the town of Hopkinsville to appoint a deputy.

On motion of Mr. Brown—7. A bill to change the time of holding the County and quarterly Courts of Johnson county.

Ordered, That Messrs. Irwin, Bibb, and Berry, prepare and bring in the 1st ; Messrs. Elliott, Brown, and Percifull, the 2d ; Messrs. Thomasson, Mason, and Miller, the 3d ; the committee on Propositions and Grievances, the 4th ; the committee on County Courts, the 5th ; Messrs. Bibb, Ellis, and Irwin, the 6th ; and Messrs. Brown, Percifull, and Mason, the 7th.

Mr. Shawhan read and laid on the table the following resolution, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the 22d instant, they adjourn sine die.

Mr. Gholson offered the following resolution, viz :

Resolved, That the committee on Propositions and Grievances be instructed to take into consideration the propriety and expediency of

changing the time of the meetings of the General Assembly to the first Monday in October; and that they report by bill or otherwise.

Which was adopted.

Mr. Gholson offered the following resolution, viz:

Resolved, That the committee on Finance be instructed to take into consideration the propriety and expediency of so changing the fiscal year, as to make the same end on the 30th September in each year; and that they report by bill or otherwise.

Which was adopted.

Mr. Haley offered the following resolution, viz:

Resolved, That the committee on Congressional districts be instructed to report a bill districting the State into ten districts, on or before the 10th inst.

Which was adopted.

Mr. Irwin, from a select committee, reported a bill to change the time of holding the Logan quarterly courts, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the 2nd and 3d readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Ellis, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles viz:

An act to authorize Constables in the city of Covington to appoint deputies.

An act to repeal an act to authorize the County Courts of Nelson and Barren counties to subscribe stock in the Louisville and Nashville Railroad Company, approved 15th of March, 1851.

An act to amend the charter of the Southern Bank of Kentucky.

And enrolled bills which originated in the House of Representatives, of the following titles, viz:

An act to provide for the better regulation and support of the public schools in the city of Newport.

An act to establish the town of Duncansville.

An act for the benefit of the trustees of the town of Hartford.

An act to legalize the acts of certain officers.

An act to incorporate the Versailles, Fire, Life, and Marine Insurance Company.

An act incorporating the Newport and Cincinnati Bridge Company.

An act to incorporate the Rough Creek Navigation and Manufacturing Company.

An act to incorporate Campbell Female College, in Campbell county.

An act for closing up certain old roads in Fleming county.

Dec. 2.]

An act for the benefit of the late Sheriffs of the several counties in this state.

An act to empower the trustees of Williamsburg to sell a portion of a street in said town.

An act for the benefit of the late clerks of the Circuit and County Courts.

An act authorizing the Judge of the Boyle County Court to sell a portion of the court house lot.

An act to amend an act, entitled, an act to organize County Courts in the several counties, approved March 11, 1851.

An act to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

An act to incorporate McClure Chapter, No. 48, of Royal Arch Masons, in Crittenden, Grant county.

An act for the benefit of mechanics in Monroe county.

An act in relation to Common School district, No. 72, in Whitley county.

An act to incorporate Forrest Spring College, in Allen county.

An act dividing school district, No. 58, in Adair county.

An act to amend an act, entitled, an act to amend the laws regulating the town of Millersburg, in the county of Bourbon.

An act to incorporate the Estill Springs Company.

An act to create the office of Marshal of the town of Hartford.

An act to create the office of Police Judge and Marshal in the town of Shepherdsville.

An act for the benefit of James C. Calhoun, Sheriff of McCracken county.

An act for the benefit of the Lancaster and Crab Orchard Turnpike Road Company.

An act to change the lines in Magistrates' and Constable's district, No. 1, in Lincoln county.

An act to legalize the proceedings of the Daviess County County.

An act repealing all acts permitting the County Court of Larue to subscribe stock in any railroad or turnpike company.

An act for the benefit of school district, No. 21, in Calloway county and No. 37, in Hardin county.

An act to allow the Taylorsville and Louisville Turnpike Company to erect a gate near Jeffersontown.

An act to incorporate St. Joseph's Orphans' Society of Louisville.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and

they were delivered to the committee, to be presented to the Governor for his approval and signature. After a short time, Mr. Ellis reported that the committee had performed that duty.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 3, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act for the benefit of certain school districts in Barren and Monroe counties.

An act to amend an act to encourage the general diffusion of Education.

That they had passed bills of the following titles, viz:

An act to change the place of voting in the Worthville district in Carroll county.

An act for the benefit of James H. Godsey, former sheriff of Johnson county, and George H. Morrow, late sheriff of McCracken county.

An act to change the time of holding the court of claims in Bath county.

The following petitions were presented, viz:

By Mr. Ellis—1. The petition of sundry citizens of the county of Trigg, praying the division of an election precinct in said county.

By Mr. Robinson—2. The petition of sundry citizens of Georgetown, praying an amendment of the charter of said town.

By Mr. Thomasson—3. The petition of Green Gill, praying the passage of a law compensating him for keeping an idiot.

By Mr. Gholson—4. The petition of sundry citizens of Fulton county, praying the passage of a law authorizing a tax to be imposed upon the people of said county, for the purpose of reclaiming inundated lands.

Which petitions were received, the reading dispensed with, and referred—the 1st to the committee on Propositions and Grievances; the 2d to the committee on the Judiciary; the 3d to the committee on Finance; and the 4th to a select committee composed of Messrs. Gholson, Berry, and Walker.

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Mr. Walker, from the committee on the Judiciary, reported a bill to create the offices of Police Judge and Marshal of the town of Rumsey.

Which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the committee of conference on the disagreement between the two Houses, on the amendments proposed by the House of Representatives to a bill from the Senate, entitled, act for the benefit of Mahlon Pruden and others, reported that the committee had agreed that the bill be amended by striking out "two thousand six hundred dollars," and insert "eighteen hundred dollars," and that the Senate recede from their disagreement to the 5th amendment proposed by the House of Representatives to said bill.

And the question being taken on concurring in said report, it was decided in the affirmative.

The yeas and nays being required thereon in accordance with the constitution, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Ben. Hardin,	Thompson S. Parks,
Henry G. Bibb,	James W. Irwin,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	James F. Robinson,
Joseph S. Conn,	John G. McFarland,	Shelby Stone,
John Cunningham,	Martin D. McHenry,	John D. Taylor,
Ira Ellis,	Isaac P. Miller,	John J. Thomasson,
Walker W. Haley,	James P. Orr,	John C. Walker—21.

Those who voted in the negative, were

Thomas J. Blincoe,	Wallace W. Brown,	Richard D. Gholson,
Eli Bozarth,	Radford M. Cobb,	John Shawhan—6.

The following bills were reported from select committees, viz :

By Mr. Brown—1. A bill to change the time of holding the Johnson quarterly and County Courts.

By Mr. Conn—2. A bill to provide for an additional Magistrates' and Constable's district (No. 9.) in Caldwell county.

By Mr. Thomasson—3. A bill to change the time of holding the quarterly courts of the County Judge of Henry.

By Mr. Gholson—4. A bill for the benefit of John Betts, jailer of Fulton county.

By Mr. Cobb—5. A bill for the benefit of William Davis, a former sheriff of Whitley county.

By Mr. Bibb—6. A bill authorizing the Marshal of the town of Hopkinsville to appoint a deputy.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st, 3d, 5th, and 6th, were ordered to be engrossed and read a third time; the 2nd was referred to the committee on Propositions and Grievances; and the 4th to the committee on Finance.

The constitutional provision as to the third reading of the 1st, 3d, 5th and 6th bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Thomasson moved a reconsideration of the vote by which the Senate, on the 1st inst., refused to order to a third reading, a bill from the House of Representatives, entitled, an act incorporating the People's Hydropathic Literary and American Reform College of Kentucky.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

Leave was given to bring in the following bills, viz :

On motion of Mr. Gholson—1. A bill for the benefit of B. G. Dudley, late clerk, pro tem. of Fulton county.

On motion of Mr. Brown—2. A bill to declare Greasy creek, in Johnson county, and the Elk Fork of Licking, in Morgan county, navigable streams.

On motion of Mr. Ellis—3. A bill to charter the Farmer's Tobacco Warehouse in Louisville.

The committee on the Judiciary was directed to prepare and bring in the 1st; Messrs. Brown, Robinson and Cobb, the 2nd; and Messrs. Ellis, Preston, and Irwin, the 3d.

The following bills were taken up in the orders of the day, viz :

A bill to amend an act, entitled, an act further to protect the rights of married women.

Mr. McHenry moved an indefinite postponement of said bill.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bibb and Orr, were as follows, viz :

Those who voted in the affirmative, were

Thomas J. Blincoe,	Walker W. Haley,	James F. Robinson,
Radford M. Cobb,	Martin D. McHenry,	Shelby Stone,
Joseph S. Conn,	Isaac P. Miller,	John D. Taylor—11.
Richard D. Gholson,	Jefferson Percifull,	

Those who voted in the negative, were

William J. Berry,	Ira Ellis,	James P. Orr,
Henry G. Bibb,	Ben. Hardin,	Thompson S. Parks,
Eli Bozarth,	James W. Irwin,	John Shawhan,
William Bradley,	Lewis L. Mason,	John J. Thomasson,
Wallace W. Brown,	John G. McFarland,	John C. Walker—16.
John Cunningham,		

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Ordered, That said bill be made the special order of the day for Monday, the 8th inst.

Also, a bill from the House of Representatives, entitled, an act to amend the road law in Estill county.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Also, a bill to change the time of holding the Circuit Courts for the counties of Daviess, Ohio, and Muhlenburg.

Said bill reads as follows, viz :

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the time of holding the Circuit Courts for the county of Daviess, be and they are hereby so changed, that hereafter they shall be commenced and held on the first Mondays in March and September in each year, instead of as heretofore, and may continue six juridical days, if the business require it.

§ 2. That the time of holding the Muhlenburg Circuit Courts is hereby so changed that said courts shall hereafter be commenced and held on the 2nd Mondays in March and September in each year, and continue six juridical days, if the business require it.

§ 3. That the time of holding the Ohio Circuit Courts is hereby so changed that said courts shall hereafter be commenced and held on the 3d Mondays in March and September in each year, instead of as heretofore, and continue six juridical days if the business require it.

Mr. Irwin moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative,

The yeas and nays being required thereon, by Messrs. Irwin and Bibb, were as follows, viz :

Those who voted in the affirmative, were

Henry G. Bibb,	William Bradley,	James W. Irwin,
Thomas J. Blincoe,	Ira Ellis,	John J. Thomasson—6.

Those who voted in the negative, were

William J. Berry,	Walker W. Haley,	Thompson S. Parks,
Eli Bozarth,	Ben. Hardin,	Jefferson Percifull,
Wallace W. Brown,	Lewis L. Mason,	James F. Robinson,
Radford M. Cobb,	John G. McFarland,	John Shawhan,
Joseph S. Conn,	Martin D. McHenry,	Shelby Stone,
John Cunningham,	Isaac P. Miller,	John D. Taylor,
Richard D. Gholson,	James P. Orr,	John C. Walker—21.

Mr. Irwin moved to strike out the 2nd section of said bill, which was decided in the negative.

Mr. Bozarth moved the previous question.

And the question being taken, "shall the main question be now put?" which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and Bibb, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Richard D. Gholson,	Thompson S. Parks,
Eli Bozarth,	Walker W. Haley,	James F. Robinson,
Wallace W. Brown,	Ben. Hardin,	John Shawhan,
John Cunningham,	John G. McFarland,	Shelby Stone—14.
Ira Ellis,	Martin D. McHenry,	

Those who voted in the negative, were

Henry G. Bibb,	James W. Irwin,	Jefferson Percifull,
Thomas J. Blincoe,	Lewis L. Mason,	John D. Taylor,
William Bradley,	Isaac P. Miller,	John J. Thomasson,
Radford M. Cobb,	James P. Orr,	John C. Walker—13.
Joseph S. Conn,		

The main question was then put, "shall the bill be engrossed and read a third time?"

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and Bibb, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Richard D. Gholson,	Thompson S. Parks,
Eli Bozarth,	Walker W. Haley,	James F. Robinson,
Wallace W. Brown,	Ben. Hardin,	John Shawhan,
Radford M. Cobb,	John G. McFarland,	Shelby Stone,
John Cunningham,	Martin D. McHenry,	John D. Taylor,
Ira Ellis,	James P. Orr,	John C. Walker—18.

Those who voted in the negative, were

Henry G. Bibb,	Joseph S. Conn,	Isaac P. Miller,
Thomas J. Blincoe,	James W. Irwin,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John J. Thomasson—9.

Also, a bill authorizing appeals in certain contested elections.

Mr. McHenry moved an amendment to said bill, which was adopted.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Also, a bill from the House of Representatives, entitled, an act to prohibit the giving spirituous liquors to slaves by peddlers.

Ordered, That said bill be engrossed and read a third time.

And then the Senate adjourned.

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THURSDAY, DECEMBER 4, 1851.

A message was received from the House of Representatives, announcing their disagreement to an amendment proposed by the Senate, to a bill from the House of Representatives, entitled, an act to regulate the duties of jailers relative to runaway slaves.

That they had passed bills of the following titles, viz:

1. An act to regulate the duties of Executors and Administrators.
2. An act to incorporate the town of Lovelaceville, in Ballard county.
3. An act to take the sense of the people of Owsley county, for the purpose of changing the county seat of said county.
4. An act to incorporate the Mountsterling, Kiddville, Red River Iron Works and Irvine Turnpike Road Company.
5. An act to amend the charter of the town of Clayvillage, in Shelby county.
6. An act for the benefit of the Assessors of Tax of Madison, Logan and Bath counties.
7. An act in relation to the officers of elections in the county of Whitley.
8. An act to enclose a crosss street in Pikeville, Pike county.
9. An act to amend the charter of the Petersburg and Burlington Turnpike Road Company.
10. An act to authorize the clerk of the Henderson County Court to transcribe and index certain records in his office.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2nd, 5th, and 8th, to the committee on the Judiciary; the 3d to the committee on Propositions and Grievances; the 4th and 9th to the committee on Internal Improvement; the 6th to the committee on Finance; the 7th to the committee on Privileges and Elections; and the 10th to the committee on County Courts.

The following petitions were presented, viz:

By Mr. Taylor—1. The petition of sundry citizens of Mason county, praying the passage of a law in relation to the traffic in intoxicating liquors.

By Mr. Thomasson—2. The petition of sundry citizens of the county of Henry on the same subject.

By Mr. Parks—3. The petition of sundry citizens of Nicholas county,

praying the passage of a law creating an additional Magistrates' district in said county.

By Mr. Hooe—4. The petition of sundry citizens of the county of Mercer, praying the passage of a law in relation to the traffic in ardent spirits.

By Mr. Robinson—5. The petition of sundry citizens of the county of Scott, praying an appropriation of money for colonization purposes.

By Mr. Leslie—6. The petition of sundry citizens of School district No. 9, in Monroe county, in relation to their portion of the school fund.

Which petitions were received, the reading dispensed with, and referred—the 1st, 3d, and 4th, to the committee on Propositions and Grievances; the 2nd to the committee on the Judiciary; the 5th to the committee on Finance; and the 6th to the committee on Education.

Mr. Walker, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles viz:

An act to extend the corporate limits of the town of Poplar Plains in Fleming county.

An act changing the time of holding the court of claims in Mason county.

An act changing the time of holding the court of claims in Oldham county.

An act for the benefit of the town of Lebanon, in Marion county.

Reported the same, the 1st with, and the 2nd, 3d, and 4th, without amendment, which amendment was concurred in.

Ordered, That said bills, the 1st as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as above said.

Mr. McHenry, from the same committee, reported a bill to create the office of Marshal of Litchfield, in Grayson county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was placed in the orders of the day.

Mr. Bradley, from the committee on Propositions and Grievances, to whom were referred bills from the House of Representatives, of the following titles, viz:

1. An act making additional voting places in districts Nos. 3 and 7, and changing the places of voting in district No. 4, in Greenup county.

2. An act to create an additional election precinct in each ward of the city of Louisville.

Reported the same without amendment.

Ordered, That the 1st be referred to a select committee, consisting of Messrs. Preston, Robinson, and Hardin, and that the 2nd be placed in the orders of the day.

Mr. Bibb, from the committee on County Courts, to whom was referred a bill to regulate the time of holding the courts of Justices of the Peace, reported the same without amendment.

Mr. Thomasson offered an amendment to said bill, which was decided in the negative.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from a select committee, reported a bill to divide the state into ten Congressional districts, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Shawhan offered an amendment as a substitute for said bill.

Ordered, That said bill and amendment be made the special order of the day, in committee of the whole, for Tuesday, the 9th inst., and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The following bills were reported from select committees, viz :

By Mr. Irwin—1. A bill to incorporate the Louisville Farmer's Tobacco Warehouse Company.

By Mr. Brown—2. A bill declaring the Elk Fork of Licking and Greasy creek navigable streams.

By Mr. Preston—3. A bill to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st and 2d were ordered to be engrossed and read a third time; and the 3d was made the special order of the day for the 6th inst.

The constitutional provision as to the third reading of the 1st and 2d bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz :

On motion of Mr. Preston—1. A bill to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company.

On motion of same—2. A bill to punish persons for placing obstructions on Railroads so as to endanger life.

Ordered, That Messrs. Preston, Hooe, and Irwin, prepare and bring in the 1st; and Messrs. Preston, Robinson, and McHenry, the 2nd.

Mr. Walker read and laid on the table the following resolution, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will on Tuesday, the 9th inst., proceed by a joint vote of the two Houses, to the election of the Public Officers of this State.

The rule of the Senate being dispensed with, said resolution was taken up, twice read, and adopted.

Mr. Lindsey moved the following resolution, viz :

Resolved, That the committee on Banks be instructed to inquire into the propriety of having an agent or commissioner appointed or elected, to examine, from time to time, into the condition of the different banking institutions incorporated by this state; also to inquire into the propriety of providing that the same agent or commissioner examine into the condition of the insurance offices heretofore incorporated or hereafter to be incorporated by this state; and also into the condition and situation of the agencies of such insurance companies incorporated by other states as have agencies in this state; and also to inquire into the propriety of having his examinations reported and published; and that they report by bill or otherwise.

Which was adopted.

Mr. McHenry moved the following resolution, viz :

Resolved, That the committee on Finance be instructed to inquire whether the condition of the public revenue is such that the tax on nine pin alleys cannot be dispensed with; and whether, in view of the dissipation, loss of time, and corruption of morals, superinduced by them, they ought not to be suppressed, and that they report by bill or otherwise.

Which was adopted.

A message was received from the House of Representatives, announcing that they had received official information from the Governor, that he had approved and signed an enrolled bill, originating in the House of Representatives, entitled, an act to incorporate the Versailles Fire, Life, and Marine Insurance Company, approved December 2, 1851.

An engrossed bill, entitled, an act to change the time of holding the Circuit Courts for the counties of Daviess, Ohio and Muhlenburg, was read a third time.

And the question being taken on the passage of said bill, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Bradley and Berry, were as follows, viz :

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Those who voted in the affirmative, were

William J. Berry,	Richard D. Gholson,	Thompson S. Parks,
Eli Bozarth,	Walker W. Haley,	James F. Robinson,
Wallace W. Brown,	Ben. Hardin,	John Shawhan,
Radford M. Cobb,	Thomas N. Lindsey,	John D. Taylor,
John Cunningham,	John G. McFarland,	John C. Walker—17.
Ira Ellis,	Martin D. McHenry,	

Those who voted in the negative, were

Henry G. Bibb,	William A. Hooe,	Lewis L. Mason,
Thomas J. Blincoe,	James W. Irwin,	Jefferson Percifull,
William Bradley,	Preston H. Leslie,	John J. Thomasson—9.

Resolved, That the title of said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to prohibit the giving spirituous liquors to slaves by peddlers, came up in the orders of the day.

Mr. Hardin moved to lay said bill on the table, which was decided in the affirmative.

An engrossed bill, entitled, an act to change the time of electing Justices of the Peace and Constables, came up in the orders of the day.

Mr. Leslie moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Leslie and Ellis, were as follows, viz:

Those who voted in the affirmative, were

William J. Berry,	William A. Hooe,	Martin D. McHenry,
Henry G. Bibb,	James W. Irwin,	William Preston,
William Bradley,	Preston H. Leslie,	James F. Robinson,
John Cunningham,	Thomas N. Lindsey,	John C. Walker—13.
Ira Ellis,		

Those who voted in the negative, were

Thomas J. Blincoe,	John A. Goodson,	Thompson S. Parks,
Eli Bozarth,	Walker W. Haley,	Jefferson Percifull,
Wallace W. Brown,	Ben. Hardin,	John Shawhan,
Radford M. Cobb,	Lewis L. Mason,	John D. Taylor,
Richard D. Gholson,	John G. McFarland,	John J. Thomasson—15.

Ordered, That said bill be referred to a select committee, composed of Messrs. Haley, Gholson and Preston.

Resolved, That the Senate recede from their amendment, proposed to a bill from the House of Representatives, entitled, an act to regulate the duties of jailers relative to runaway slaves.

Bills from the House of Representatives, of the following titles, were read the first time, viz:

1. An act to incorporate the Lexington and Cumberland Railroad Company.
2. An act for the benefit of Kean O'Hara.

3. An act authorizing William Garrard to build a Fish Dam and Trap across main Licking river.
4. An act to amend an act, entitled, an act to extend the limits of the town of Hopkinsville, approved February 4, 1846.
5. An act to authorize a change in the state road in Todd county.
6. An act to incorporate Proctor Division, No. 205, Sons of Temperance.
7. An act to authorize the Clerk of the Logan County Court to transcribe and have re-bound certain record books.
8. An act to suspend the operation of the law in relation to changing Common School Districts in the county of Christian.
9. An act for the benefit of the Sheriff of Jessamine county.
10. An act to amend the several acts regulating the election of the trustees of the town of Scottsville.
11. An act to change the place of voting in the Worthville district, in Carroll county.
12. An act for the benefit of James H. Godsey, former sheriff of Johnson county, and George H. Morrow, late sheriff of McCracken county.
13. An act to change the time of holding the court of claims in Bath county.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 3d, and 5th, to the committee on Internal Improvement; the 2nd and 11th to the committee on Privileges and Elections; the 4th, 6th, and 10th, to the committee on the Judiciary; the 7th, 9th, and 12th, to the committee on Finance; the 8th to the committee on Education; and the 13th to the committee on County Courts.

A message was received from the House of Representatives, announcing their concurrence in the report of the committee of conference, on the disagreement between the two Houses, on the amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act for the benefit of Mahlon Pruden and others.

And then the Senate adjourned.

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FRIDAY, DECEMBER 5, 1851.

A message was received from the House of Representatives announcing that they had passed bills from the Senate, of the following titles, viz:

An act to re-establish and re-mark corners of the sectionized lands west of the Tennessee river.

An act to amend an act, entitled, an act to regulate the retailing of ardent spirits.

That they had passed bills of the following titles, viz:

An act for the benefit of the trustees of the town of Burlington, in Boone county.

An act for the benefit of John Wallis.

An act for the benefit of School districts in Madison and Caldwell counties.

The following petitions were presented, viz:

By Mr. Parks—1. The petition of sundry citizens of Fleming county, praying the passage of a law authorizing a special term of the Fleming County Court of quarter sessions.

By Mr. Hooe—2. The petition of sundry citizens of Mercer county, praying the passage of a law authorizing the closing up of a certain old road in said county.

Which petitions were received, the reading dispensed with, and referred—the 1st to the committee on County Courts; and the 2nd to the committee on Propositions and Grievances.

Mr. McHenry, from the committee on the Judiciary, reported the following bills, viz:

A bill to incorporate the General Association of Baptists in Kentucky.

A bill to amend an act regulating the town of Salvisa, in Mercer county, approved February 9, 1828.

A bill in relation to the Springfield, Maxville, and Harrodsburg Turnpike Road Company.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Goodson, from the committee on Privileges and Elections, made the following report, viz:

The committee on Privileges and Elections have had under consideration the qualifications, elections, and returns of the members of the present Senate, and report that, in the opinion of the committee, the following named gentlemen were duly elected to serve as members of the Senate.

From the first district, composed of the counties of Hickman, Ballard, Graves, and Fulton—Richard D. Gholson.

From the second district, composed of the counties of Union, Hopkins, and Crittenden—William Bradley.

From the third district, composed of the counties of Christian and Todd—Henry G. Bibb.

From the fourth district, composed of the counties of Logan, Simpson, and Butler—James W. Irwin.

From the fifth district, composed of the counties of Daviess and Henderson—John G. McFarland.

From the sixth district, composed of the counties of Warren, Allen, and Edmonson—Thomas J. Smith.

From the seventh district, composed of the counties of Barren and Monroe—Preston H. Leslie.

From the eighth district, composed of the counties of Green, Hart, and Taylor—Samuel A. Spencer.

From the ninth district, composed of the counties of Clinton, Cumberland, Wayne, and Russell—Shelby Stone.

From the tenth district, composed of the counties of Casey, Adair, and Boyle—Abram I. Caldwell.

From the eleventh district, composed of the counties of Livingston, Caldwell, and McCracken—Joseph S. Conn.

From the twelfth district, composed of the counties of Breckinridge, Grayson, and Hancock—Eli Bozarth.

From the thirteenth district, composed of the counties of Ohio and Muhlenburg—William J. Berry.

From the fourteenth district, composed of the counties of Hardin and Meade—John C. Walker.

From the fifteenth district, composed of the 1st, 2nd, 3d, 4th, 5th and 6th wards of the city of Louisville—William Preston.

From the sixteenth district, composed of the county of Jefferson, and 7th and 8th wards of Louisville—Isaac P. Miller.

From the seventeenth district, composed of the counties of Trimble, Oldham, and Henry—John J. Thomasson.

From the eighteenth district, composed of the counties of Shelby and Spencer—Martin D. McHenry.

From the nineteenth district, composed of the counties of Larue, Nelson, and Bullitt—Ben. Hardin.

From the twentieth district, composed of the counties of Marion and Washington—Thomas J. Blincoe.

From the twenty-first district, composed of the counties of Mercer and Anderson—William A. Hooe.

From the twenty-second district, composed of the counties of Calhoun, Trigg, and Marshall—Ira Ellis.

From the twenty-third district, composed of the counties of Lincoln and Pulaski—Walker W. Haley.

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From the twenty-fourth district, composed of the counties of Madison and Garrard—Reuben Munday.

From the twenty-fifth district, composed of the counties of Laurel, Whitley, Knox, and Rockcastle—Radford M. Cobb.

From the twenty-sixth district, composed of the counties of Gallatin, Carroll, and Boone—Lewis L. Mason.

From the twenty-seventh district, composed of the counties of Kenton and Campbell—John A. Goodson.

From the twenty-eighth district, composed of the counties of Bourbon and Bath—John Cunningham.

From the twenty-ninth district, composed of the counties of Grant, Pendleton, and Owen—James P. Orr.

From the thirtieth district, composed of the counties of Harrison and Bracken—John Shawhan.

From the thirty-first district, composed of the counties of Fayette and Scott—James F. Robinson.

From the thirty-second district, composed of the counties of Woodford, Jessamine, and Franklin—Thomas N. Lindsey.

From the thirty-third district, composed of the counties of Clarke, Montgomery, and Estill—Sidney M. Barnes.

From the thirty-fourth district, composed of the counties of Carter, Greenup, and Lawrence—John L. Elliott.

From the thirty-fifth district, composed of the counties of Fleming and Nicholas—Thompson S. Parks.

From the thirty-sixth district, composed of the counties of Mason and Lewis—John D. Taylor.

From the thirty-seventh district, composed of the counties of Floyd, Morgan, Johnson, and Pike—Wallace W. Brown.

From the thirty-eighth district, composed of the counties of Clay, Harlan, Owsley, Letcher, Perry, and Breathitt—Jefferson Percifull.

The following Senators have two years to serve, viz: Sidney M. Barnes, William J. Berry, Thomas J. Blincoe, Eli Bozarth, John L. Elliott, John A. Goodson, Walker W. Haley, Ben. Hardin, William A. Hooe, Preston H. Leslie, Thomas N. Lindsey, John G. McFarland, Martin D. McHenry, James P. Orr, Thompson S. Parks, Jefferson Percifull, James F. Robinson, John D. Taylor, and John C. Walker.

The following Senators have four years to serve, viz: Henry G. Bibb, William Bradley, Wallace W. Brown, Abram I. Caldwell, Radford M. Cobb, Joseph S. Conn, John Cunningham, Ira Ellis, Richard D. Gholson, James W. Irwin, Lewis L. Mason, Isaac P. Miller, Reuben Munday, William Preston, John Shawhan, Thomas J. Smith, Samuel A. Spencer, Shelby Stone, and John J. Thomasson.

JOHN A. GOODSON, *Ch'n.*

Mr. Hardin, from the committee on Finance, to whom was referred a bill for the benefit of John Betts, jailer of Fulton county, reported the same without amendment.

Mr. Irwin moved an amendment to said bill, which was adopted.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee to whom were referred bills from the House of Representatives, of the following titles, viz :

An act for the benefit of the Sheriff of Butler county.

An act for the benefit of the Sheriff of Breathitt county.

An act for the benefit of Elisha Breeding.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from select committees, viz :

By Mr. Gholson—1. A bill to provide for the construction of a levee from the town of Hickman to the Tennessee line.

By Mr. Preston—2. A bill to punish persons for endangering life by placing obstructions on railroads.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st be engrossed and read a third time ; that the 2nd be referred to the committee on the Judiciary, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The constitutional provision as to the third reading of the 1st bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz :

On motion of Mr. McHenry—A bill to change the time of holding the court of claims in Shelby county.

On motion of Mr. Caldwell—A bill to amend an act, entitled, an act vesting jurisdiction in Circuit Courts to authorize the sale of real estate of infants in certain cases.

On motion of Mr. Taylor—A bill to incorporate the Independent Fire Company, Washington No. 1, of the city of Maysville and suburbs.

Ordered, That the committee on the Judiciary prepare and bring in said bills.

A bill to increase the jurisdiction of Justices of the Peace came up in the orders of the day.

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Mr. Hooe moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative,

The yeas and nays being required thereon, by Messrs. Shawhan and Gholson, were as follows, viz :

Those who voted in the affirmative, were

Abram I. Caldwell,	James W. Irwin,	James F. Robinson,
John A. Goodson,	Lewis L. Mason,	John D. Taylor,
Ben. Hardin,	Martin D. McHenry,	John C. Walker—11.
William A. Hooe,	William Preston,	

Those who voted in the negative, were

William J. Berry,	Radford M. Cobb,	James P. Orr,
Henry G. Bibb,	John Cunningham,	Thompson S. Parks,
Thomas J. Blincoe,	Ira Ellis,	Jefferson Percifull,
Eli Bozarth,	Richard D. Gholson,	John Shawhan,
William Bradley,	John G. McFarland,	John J. Thomasson—16.
Wallace W. Brown,		

Ordered, That said bill be engrossed and read a third time.

A bill to suppress the practice of shooting at marks on public highways in this commonwealth, came up in the orders of the day.

Said bill reads as follows, viz :

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of July next, it shall not be lawful for any person, or collection of persons, except a gun-smith upon his own premises, to be engaged in shooting at a mark or target, or at anything else for amusement, or for money or property, within one-fourth of a mile from the limits of any town, now, or which may be hereafter incorporated in this commonwealth, or upon any public highway, or within one-fourth of a mile thereof.

§ 2. That any person or persons who shall be guilty of doing or committing any of the acts, which, by the first section of this act is made unlawful, he or they shall be liable, upon conviction, to a fine of not less than five nor more than sixteen dollars, recoverable by warrant, in the name of the commonwealth, before any presiding judge of the county court, police judge, or any justice of the peace of the county in which the offense may be committed.

Mr. Hardin moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Bozarth, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	John Cunningham,	James P. Orr,
Henry G. Bibb,	Ira Ellis,	Thompson S. Parks,
Thomas J. Blincoe,	Richard D. Gholson,	Jefferson Percifull,
Eli Bozarth,	John A. Goodson,	William Preston,
William Bradley,	Ben. Hardin,	John Shawhan,
Wallace W. Brown,	William A. Hooe,	John D. Taylor,
Abram I. Caldwell,	James W. Irwin,	John J. Thomasson—23.
Radford M. Cobb,	John G. McFarland,	

Those who voted in the negative, were

Lewis L. Mason, John C. Walker—2.

A bill from the House of Representatives, entitled, an act to create an additional election precinct in each ward in the city of Louisville, came up in the orders of the day.

Ordered, That said bill be referred to a select committee, consisting of Messrs. Preston, Robinson and Hardin.

And then the Senate adjourned.

SATURDAY, DECEMBER 6, 1851.

A message was received from the House of Representatives, announcing that they had passed bills and adopted a resolution, of the following titles, viz :

1. An act to amend an act, entitled, an act to amend the revenue laws, approved February 10, 1845.
2. An act for the benefit of George H. Morrow.
3. An act to incorporate the town of Marion, in Crittenden county.
4. An act to change the time of holding the Clinton Circuit Court, and allowing an additional week to the Cumberland Circuit Court.
5. An act to allow an additional magistrates' and constable's district in the county of Owsley.
6. An act to incorporate the Winchester and Kiddville Turnpike Road Company.
7. An act for the benefit of the sheriff of Pendleton county.

A resolution in reference to the removal of the seat of government.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2nd, and 7th, to the committee on Finance; the 3d to the committee on the Judiciary; the 4th to the committee on Circuit Courts; the 5th to the committee on Propositions and Grievances; and the 6th to the committee on Internal Improvement.

The following petitions were presented, viz :

By Mr. Bradley—1. The petition of George Parker, sheriff of Union county, praying the passage of a law granting him until the first of April next to pay into the treasury his revenue.

By same—2. The petition of sundry citizens of the county of Hopkins, praying the passage of a law in relation to the traffic in ardent spirits.

By Mr. Taylor—3. The petition of sundry citizens of Mason county, in relation to an increase of the taxes for school purposes.

Which petitions were received, the reading dispensed with, and referred—the 1st and 3d to the committee on Finance; and the 2nd to the committee on the Judiciary.

Mr. McHenry, from the committee to whom was referred the revised statutes, reported a bill to revise the statute laws of this State.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with.

Mr. McHenry offered sundry amendments to said bill.

Ordered, That said bill and amendments be made the special order of the day for the 8th inst., and that the Public Printer print 150 copies of said amendments for the use of the General Assembly.

Mr. McHenry, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles, viz:

1. An act to inclose a cross street in Pikeville, Pike county.
2. An act to incorporate the town of Lovelaceville, in Ballard county.
3. An act to amend an act, entitled, an act to extend the limits of the town of Hopkinsville, approved February 4, 1846.
4. An act to incorporate Proctor Division, No. 205, Sons of Temperance.
5. An act to amend the several acts regulating the election of trustees of the town of Scottsville.

Reported the same, the 1st with, and the 2nd, 3d, 4th, and 5th, without amendment, which was concurred in.

Ordered, That the 1st, as amended, the 2nd, 4th, and 5th, be read a third time, and that the 3d be placed in the orders of the day.

The constitutional provision as to the third reading of the 1st, 2nd, 4th and 5th bills being dispensed with.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill to punish persons for endangering life by placing obstructions on railroads, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the same committee, reported the following bills, viz :

A bill to amend the laws relating to Georgetown.

A bill concerning the court of claims in Shelby county.

Which were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bibb, from the committee on County Courts, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of holding the court of claims in Bath county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bibb, from the same committee, reported a bill allowing a special term of the Fleming Circuit Court.

Which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz :

1. An act authorizing William Garrard to build a Fish Dam and Trap across main Licking river.

2. An act to authorize a change in the state road in Todd county.

3. An act to amend the charter of the Petersburg and Burlington Turnpike Road Company.

Ordered, That the 1st and 2nd be read a third time, and that the 3d be placed in the orders of the day.

The constitutional provision as to the third reading of the 1st and 2d bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bradley, from the committee on Propositions and Grievances, to whom were referred the following petitions, viz :

1. The petition of sundry citizens of the county of Todd, in relation to a voting precinct in said county.

2. The petition of same in relation to a Magistrate's district in said county.

3. The petition of sundry citizens of Mason county in relation to the traffic in ardent spirits.

Asked to be discharged from the further consideration of said petitions, which was granted.

Ordered, That the 3d be referred to the committee on the Judiciary.

Mr. Bradley, from the same committee, reported a bill to amend an act, entitled, an act to incorporate and establish the town of Fairview in Todd and Christian counties.

Which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John W. Hawes, sheriff of Lawrence county, reported the same with an amendment, which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from select committees, viz :

By Mr. Brown—1. A bill for the benefit of William Kouns.

By Mr. Preston—2. A bill regulating the settling of accounts of executors, administrators, guardians, and trustees, residing within the city of Louisville.

By Mr. Caldwell—3. A bill to amend an act to incorporate the Lexington and Danville Railroad Company, approved March 5, 1850.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 2d to the committee on the Judiciary, and the 3d to the committee on Internal Improvement.

Leave was given to bring in the following bills, viz :

On motion of Mr. Goodson—1. A bill to change election precincts in the counties of Campbell and Kenton.

On motion of Mr. Gholson—2. A bill to amend the law in relation to the sale of the public lands on the islands in the Mississippi river.

On motion of same—3. A bill directing the late Judge of the 16th Judicial district to deliver to the present Circuit Judge all books in his possession belonging to the commonwealth.

On motion of same—4. A bill to authorize the citizens of Hickman and Fulton counties to take a vote upon the subject of imposing a tax for railroad purposes.

On motion of same—5. A bill to authorize the citizens of Graves county to take a vote on the same subject.

On motion of Mr. Cunningham—6. A bill to incorporate a Sinking Fund for Bourbon county.

On motion of same—7. A bill to divide the Paris district of Bourbon county for Justices of the Peace.

Ordered, That the committee on Privileges and Elections prepare and bring in the 1st; Messrs. Gholson, Berry, and Spencer, the 2nd, 3d, 4th, and 5th; the committee on the Judiciary the 6th; and the committee on County Courts the 7th.

Mr. Thomasson moved the following resolution, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That J. A. Jacobs, Principal of the Deaf and Dumb Asylum at Danville, be and he is hereby requested to visit Frankfort with such of his pupils as he may think proper, for the purpose of exhibiting them to the members this General Assembly, at such time as may suit his convenience, during the session.

And the question being taken on the adoption of said resolution, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and Gholson, were as follows, viz :

Those who voted in the affirmative, were

Abram I. Caldwell,	William A. Hooe,	James F. Robinson,
John Cunningham,	James W. Irwin,	John D. Taylor,
Ira Ellis,	William Preston,	John J. Thomasson—10.
John A. Goodson,		

Those who voted in the negative, were

William J. Berry,	Radford M. Cobb,	Reuben Munday,
Henry G. Bibb,	Richard D. Gholson,	Thompson S. Parks,
Thomas J. Blincoe,	Walker W. Haley,	Jefferson Percifull,
Eli Bozarth,	Ben. Hardin,	John Shawhan,
William Bradley,	John G. McFarland,	Samuel A. Spencer—17.
Wallace W. Brown,	Martin D. McHenry,	

Mr. Bozarth read and laid on the table the following resolution, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to cause the National Government to pass a

law for an equal division of the late acquired territory, by the common blood and treasure of our country, to be divided in all the states in this Union, according to their federal numbers. *And be it further resolved*, that the Governor of Kentucky do forward to each of our Senators and Representatives in Congress a copy of this resolution.

Mr. Taylor moved the following resolution, viz:

Resolved, That the committee on the Code of Practice be and are hereby instructed to bring in a bill to repeal the same.

Ordered, That said resolution be made the special order of the day for the 9th inst. at 11 o'clock.

Mr. Preston moved the following resolution, viz:

Resolved, That the Secretary of State be requested to furnish to the Clerk of the House, an abstract from the census of 1850, of the aggregate and federal population of the several counties of this State, and that the same be printed.

Which was adopted.

Mr. Preston moved the following resolution, viz:

Whereas, the existing law requires an election of a U. S. Senator during the present session of the Legislature of Kentucky, and its obligations impose an imperative duty. Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That it will be highly inexpedient and improper to postpone the election of a Senator beyond the present session, and that when the joint order for the 11th of December shall be reached, the election shall proceed, and it shall not be in the power of either House to dispense with the order requiring an election, unless by a vote of two-thirds of each House, and that the ballotings shall commence on each day at twelve o'clock M., and continue until four o'clock P. M., or until a Senator is elected.

Ordered, That said resolution be made the special order of the day for the 11th inst. at 11 o'clock.

A message was received from the Governor, by Mr. Meriwether, Secretary of State, announcing that he had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend and reduce into one the several acts concerning private passways in Mercer county.

An act to incorporate Friendship Lodge, No. 5, I. O. O. F., at Lexington, Kentucky.

An act to prescribe the term of office for the inferior officers of this Commonwealth.

An act for the benefit of the Sheriff of Ohio county.

An act to change the time of holding the quarterly Courts of the Presiding Judge in Russell county.

Approved November 24, 1851.

An act to regulate the time of holding the Green County Court.

An act legalizing the election of the Marshal of the town of Independence.

An act to appropriate land warrants in the county of Knox.

An act to change the time of holding the Christian County Chancery Court.

An act to increase and define the powers of the Marshal of the town of Blandville, in Ballard county.

An act to amend an act, entitled, an act to incorporate the Maysville and Big Sandy Railroad Company, approved December 18, 1850.

An act to amend an act, entitled, an act to incorporate the Trustees of the Kentucky Baptist Education Society, approved January 15, 1829.

An act to amend an act, entitled, an act to incorporate the Georgetown and Lemon's Mill Turnpike Road Company, approved March 24, 1851.

An act to require the County Court of Bourbon county to subscribe to the stock of the Covington and Lexington Railroad Company.

Approved November 25, 1851.

An act to charter the Louisville and Covington Railroad Company.

Approved November 28, 1851.

An act to amend the charter of the Southern Bank of Kentucky.

An act to repeal an act to authorize the County Courts of Nelson and Barren counties to subscribe stock in the Louisville and Nashville Railroad Company.

An act repealing all acts allowing the appointment of deputy Constables.

Approved December 2, 1851.

The Senate took up for consideration a bill to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration the bill to divide the State into Congressional districts.

Mr. Caldwell offered an amendment, as a substitute to the amendment proposed by Mr. Shawhan.

Ordered, That the Public Printer print 150 copies of said amendment for the use of the General Assembly.

Mr. Spencer, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the Senate, entitled, an act to amend the charter of the Louisville and Covington Railroad Company.

And enrolled bills which originated in the House of Representatives, of the following titles, viz :

An act authorizing the Ohio County Court to establish a new election precinct, and change the boundaries of others in said county.

An act to regulate the duties of Jailers relative to runaway slaves.

An act for the benefit of John Friend and Jacob Fitzpatrick.

An act for the benefit of persons holding lands lying back of other lands in the vicinity of any of the navigable streams in this State.

An act authorizing a special term of the Fleming Circuit Court.

An act for the benefit of Stephen Adams, deputy Sheriff of Clarke county.

An act to incorporate the town of Eminence.

An act to amend an act, entitled, an act incorporating the town of Livermore in Ohio county, and for other purposes.

An act to incorporate Caseyville Lodge, No. 168, of Free and Accepted Masons.

An act authorizing portions of the state road in Kenton county to be closed.

An act declaratory of the powers of the city of Lexington to tax Insurance Companies and Lottery Offices.

An act to incorporate Pitman Lodge, No. 124.

An act to incorporate Clay Lodge, No. 38, Independent Order of Odd Fellows.

An act for the benefit of the Sheriff of Garrard county.

An act changing the time of holding the court of claims in Mason county.

An act changing the time of holding the court of claims in Oldham county.

An act for the benefit of the town of Lebanon, in Marion county.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approval and signature. After a short time, Mr. Spencer reported that the committee had performed that duty.

Bills from the House of Representatives of the following titles, were read the first time, viz:

An act for the benefit of the trustees of the town of Burlington, in Boone county.

An act for the benefit of John Wallis.

An act for the benefit of School districts in Madison and Caldwell counties.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills be-

ing dispensed with, they were referred—the 1st and 2nd to the committee on the Judiciary, and the 3d to the committee on Education.

Mr. Hooe, at a quarter past 12 o'clock, moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Shawhan and Ellis, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	William A. Hooe,	James F. Robinson,
Radford M. Cobb,	James W. Irwin,	John D. Taylor,
Ira Ellis,	John G. McFarland,	John J. Thomasson—14.
Walker W. Haley,	Jefferson Percifull,	

Those who voted in the negative, were

Henry G. Bibb,	Wallace W. Brown,	Reuben Munday,
Thomas J. Blincoe,	Richard D. Gholson,	Thompson S. Parks,
Eli Bozarth,	John A. Goodson,	John Shawhan,
William Bradley,	Martin D. McHenry,	Samuel A. Spencer—12.

And then the Senate adjourned.

MONDAY, DECEMBER 8, 1851.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz :

An act to establish and regulate the width of a certain portion of the road leading from Richmond to Mountsterling.

An act allowing an additional Magistrates' and Constable's district in Pulaski county.

An act changing the lines of districts in Lewis and Madison counties.

An act to prevent the erection of obstructions on Quicksand creek, in Breathitt county.

An act to authorize Justices of the Peace to hold inquests in certain cases.

An act to incorporate Simpson Lodge, No. 189, of Free and Accepted Masons.

The following petitions were presented, viz :

By Mr. Brown—1. The petition of sundry citizens of Morgan county, praying an additional magistrates' and constable's district in said county.

By Mr. Preston—2. The petition of Mary Ann Traxell, praying the passage of a law exempting her property from the payment of the debts of her husband.

Which petitions were received, the reading dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Stone, from the committee on Circuit Courts, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of holding the Clinton Circuit Court, and allowing an additional week to the Cumberland Circuit Court, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Stone, from the same committee, to whom was referred a bill amendatory of an act, entitled, an act authorizing Circuit Courts to change venue in penal and criminal prosecutions, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Goodson, from the committee on Privileges and Elections, to whom were referred bills from the House of Representatives, of the following titles, reported the same without amendment, viz :

An act to change the place of voting in the Worthville district, in Carroll county.

An act for the benefit of Kean O'Hara.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Goodson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act in relation to officers of elections in the county of Whitley, reported the same with an expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative. So said bill was disagreed to.

Mr. Irwin, from the committee on Internal Improvement, to whom

were referred bills from the House of Representatives, of the following titles, viz :

An act for the benefit of Joseph Curd, of Jessamine county.

An act declaring Griffey's creek navigable.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to prevent the wanton destruction of fish, reported the same with the expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative. So said bill was disagreed to.

Mr. Hardin, from the committee on Finance, to whom was referred the petition of Thomas S. Theobald, reported the same with the following resolution, viz :

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Gholson, from a select committee, reported the following bills, viz :

1. A bill directing and requiring the late Judge of the 16th Judicial district to deliver up the books of the State now in his possession.

2. A bill to amend an act, entitled, an act to provide for the sale of island, No. 4, in the Mississippi river, approved February 29th, 1848.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st was placed in the orders of the day, and the 2nd was referred to the committee on the Judiciary.

Leave was given to bring in the following bills, viz :

On motion of Mr. Hooe—1. A bill requiring the clerk of the Mercer Circuit Court to index and cross index the orders of said Court.

On motion of same—2. A bill for the benefit of a School district in Mercer county.

On motion of same—3. A bill for the benefit of the Common Schools in Harrodsburg.

On motion of Mr. Conn—4. A bill for the benefit of Samuel Woodson, late clerk of Hopkins county.

On motion of Mr. Preston—5. A bill to regulate Constables in the city of Louisville.

Ordered, That Messrs. Hooe, Preston, and Robinson, prepare and

bring in the 1st; Messrs. Hooe, Taylor, and Parks, the 2nd; Messrs. Hooe, Taylor, and Shawhan, the 3d; Messrs. Conn, Leslie, and Irwin, the 4th; and Messrs. Preston, Hardin, and McHenry, the 5th.

Mr. Hooe moved the following resolution, viz:

Resolved, That the committee on the Judiciary inquire into the expediency of repealing so much of the statute law, adopted at the last session of the Legislature, as provides that every person who shall import into this state, goods, wares, and merchandise, or groceries, after the 10th of April, before he exposes the same to sale, or any part thereof, shall list the same with the clerk of the county court for taxation in the county where situated; and that they also inquire into the expediency of repealing the residue of the same section which imposes the same penalty upon such merchants as is now imposed by law on peddlers, selling without license, and which also requires said merchants to be fined and trebly taxed; and that the said committee report a bill to repeal said law, or otherwise.

Which was adopted.

Mr. Hooe moved the following resolution, viz:

Resolved, That the committee on the Judiciary inquire into the expediency of allowing to the clerks of courts a just and reasonable compensation for their *ex officio* services; and that they report by bill or otherwise.

Which was adopted.

Mr. Spencer moved the following resolution, viz:

Whereas, it is expected by the good people of this commonwealth, that the labors of the present General Assembly will be brought to a close within the time prescribed by the constitution; and that the revision of the statute laws of this state, reported by the Hons. C. A. Wickliffe, Squire Turner, and S. S. Nicholas, commissioners heretofore appointed for that purpose, is of the most vital importance to the well-being and happiness of the people, and upon which depends their lives, liberty and property, and should claim the most serious and profound attention of the Legislature—

Resolved, Therefore, that from and after the 10th day of this instant, the Senate will hold evening sessions, commencing at 3 o'clock, P. M., for the exclusive purpose of acting upon and disposing of the revised statutes and the code of practice, and the several amendments thereon reported by the committee to whom they were referred.

And the question being taken on the adoption of said resolution, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Spencer and Gholson, were as follows, viz:

Those who voted in the affirmative, were

William J. Berry,
Henry G. Bibb,
Thomas J. Blincoe,
Eli Bozarth,
William Bradley,

Wallace W. Brown,
Radford M. Cobb,
Joseph S. Conn,
Richard D. Gholson,
John G. McFarland,

Thompson S. Parks,
Samuel A. Spencer,
John J. Thomasson,
John C. Walker—14.

Those who voted in the negative, were

Abram I. Caldwell,	William A. Hooe,	William Preston,
John Cunningham,	James W. Irwin,	James F. Robinson,
John L. Elliott,	Preston H. Leslie,	John Shawhan,
Ira Ellis,	Lewis L. Mason,	Shelby Stone,
John A. Goodson,	Isaac P. Miller,	John D. Taylor—17.
Ben. Hardin,	Reuben Munday,	

Mr. Gholson moved the following resolution, viz :

Resolved, That the Senate will hereafter hold evening sessions, commencing at 3 o'clock, for the purpose of disposing of the revised statutes and code of practice.

Mr. Hoe moved the following amendment to said resolution.

And that the Senate take a recess for supper at six o'clock, P. M., on each day, and meet again at seven o'clock, and continue in session until ten o'clock.

And the question being taken on the adoption of the amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hooe and Shawhan, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	William A. Hooe,	William Preston,
Henry G. Bibb,	James W. Irwin,	James F. Robinson,
Thomas J. Blincoe,	Preston H. Leslie,	John Shawhan,
Eli Bozarth,	Lewis L. Mason,	Samuel A. Spencer,
Abram I. Caldwell,	Reuben Munday,	Shelby Stone—16.
Joseph S. Conn,		

Those who voted in the negative, were

William Bradley,	Ira Ellis,	Isaac P. Miller,
Wallace W. Brown,	Richard D. Gholson,	Thompson S. Parks,
Radford M. Cobb,	John A. Goodson,	John D. Taylor,
John Cunningham,	Ben. Hardin,	John J. Thomasson,
John L. Elliott,	John G. McFarland,	John C. Walker—15.

Mr. Goodson moved to lay said resolution, as amended, on the table, which was decided in the negative.

Mr. Leslie moved the following amendment as a substitute for said resolution :

Resolved, That from and after the 11th of the present month, the Senate will take a recess for dinner at half past one o'clock, and convene again at three o'clock in the evening, and proceed at that session to the consideration of the report of the committee on the revised statutes.

And the question being taken on the adoption of the substitute, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Gholson and Spencer, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Ira Ellis,	Thompson S. Parks,
Henry G. Bibb,	Richard D. Gholson,	Jefferson Percifull,
Thomas J. Blincoe,	John A. Goodson,	James F. Robinson,
Eli Bozarth,	Ben. Hardin,	John Shawhan,
William Bradley,	James W. Irwin,	Samuel A. Spencer,
Wallace W. Brown,	Preston H. Leslie,	Shelby Stone,
Abram I. Caldwell,	Lewis L. Mason,	John D. Taylor,
Radford M. Cobb,	John G. McFarland,	John J. Thomasson,
John Cunningham,	Reuben Munday,	John C. Walker—28.
John L. Elliott,		

Those who voted in the negative, were

Joseph S. Conn,	Isaac P. Miller,	William Preston—4.
William A. Hooe,		

Mr. Shawhan moved the previous question.

And the question being taken, "shall the main question be now put?" it was decided in the affirmative.

The question was then put, "shall the substitute be adopted?" and it was decided in the affirmative.

The Senate took up for consideration a bill to amend an act, entitled, an act further to protect the rights of married women.

Mr. Preston moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Preston, were as follows, viz :

Those who voted in the affirmative, were

Thomas J. Blincoe,	Richard D. Gholson,	William Preston,
Abram I. Caldwell,	John A. Goodson,	James F. Robinson,
Radford M. Cobb,	William A. Hooe,	Shelby Stone,
Joseph S. Conn,	Isaac P. Miller,	John D. Taylor,
John Cunningham,	Reuben Munday,	John J. Thomasson,
John L. Elliott,	Jefferson Percifull,	John C. Walker—19.
Ira Ellis,		

Those who voted in the negative, were

William J. Berry,	Ben. Hardin,	John G. McFarland,
Henry G. Bibb,	James W. Irwin,	Thompson S. Parks,
Eli Bozarth,	Preston H. Leslie,	John Shawhan,
William Bradley,	Lewis L. Mason,	Samuel A. Spencer—12.

And then the Senate adjourned.

TUESDAY, DECEMBER 9, 1851.

A message was received from the House of Representatives, announcing that they had passed bills and concurred in a resolution, from the Senate, of the following titles, viz :

An act in relation to the records of the Jefferson County Court.

An act allowing a special term of the Fleming County Court.

An act to incorporate the Ohio river, Bedford, and Campbellsburg Plank Road Company, with amendments to the last named bill.

Resolution fixing a day for the election of public officers.

That they had passed bills and adopted a resolution, of the following titles, viz :

An act to amend an act, entitled, an act further to provide for the collection of tolls on Kentucky, Green, and Big Barren rivers.

An act authorizing James Haggard to solemnize marriages.

An act to prohibit certain officers from trafficking in claims on County Treasuries.

An act incorporating the Newport and Covington Bridge Company.

An act to exempt certain persons from paying toll at the gate on the Lexington and Covington Turnpike Road, in Grant county.

An act for the benefit of School district, No. 13, in Kenton county.

An act altering School districts, Nos. 55 and 29, in Morgan county.

An act for the benefit of certain School districts in Cumberland county.

An act regulating the times of holding Circuit Courts in the 10th Judicial district.

Resolution for the benefit of the Louisville and Frankfort Railroad Company.

That they had received official information from the Governor, that he had approved and signed enrolled bills which originated in the House of Representatives, of the following titles, viz :

An act incorporating the Kentucky State Medical Society.

An act to divide district No. 4, in Trigg county.

An act to amend the charter of the Union and Florence Turnpike Road Company.

An act to incorporate Mangum Lodge, No. 21, Independent Order of Odd Fellows.

An act to amend the charter of the Covington and Lexington Railroad Company.

An act to amend an act, entitled, an act to incorporate the Lexington, Owingsville, and Big Sandy Railroad Company.

An act to authorize the Crittenden County Court to change the state road to Flynn's ferry.

An act amending the charter of the Maysville and Mountsterling Turnpike Road Company.

An act to change the state road leading from Georgetown to Covington.

An act to incorporate Mason Lodge, No. 33, I. O. O. F.

An act to amend an act, entitled, an act to incorporate Odd Fellows Hall, of Newport, Kentucky, approved February 25th, 1848.

An act to change the times of holding Justices' quarterly courts in the county of Washington.

An act to change the time of holding the quarterly terms of the Pendleton County Court.

An act declaring Jenny's creek and Grassy creek navigable streams.

An act to change the place of voting in Caldwell county, in district No. 4.

An act to incorporate the Union and Beaver Turnpike Road Company.
Approved November 24th, 1851.

An act to create the office of Marshal of the town of Hartford.

An act to establish the town of Duncansville.

An act incorporating the Newport and Cincinnati Bridge Company.

An act to incorporate the Estill Springs Company.

An act to incorporate McClure Chapter, No. 48, of Royal Arch Masons, in Crittenden, Grant county.

An act authorizing the Judge of the Boyle County Court to sell a portion of the court house lot.

An act to incorporate Campbell Female College, in Campbell county.

An act for the benefit of the late Sheriffs of the several counties in this state.

An act for the benefit of school districts, No. 21, in Calloway county, and No. 37, in Hardin county.

An act dividing school district, No. 58, in Adair county.

An act for the benefit of James C. Calhoun, Sheriff of McCracken county.

An act to provide for the better regulation and support of the public schools in the city of Newport.

An act for the benefit of mechanics in Monroe county.

An act to amend an act, entitled, an act to organize County Courts in the several counties, approved March 11, 1851.

An act repealing all acts permitting the County Court of Larue to subscribe stock in any railroad or turnpike company.

An act to allow the Taylorsville and Louisville Turnpike Company to erect a gate near Jeffersontown.

An act for closing up certain old roads in Fleming county.

An act to incorporate St. Joseph's Orphans' Society of Louisville.

An act to legalize the acts of certain officers.

An act to empower the trustees of Williamsburg to sell a portion of a street in said town.

An act to amend an act, entitled, an act to amend the laws regulating the town of Millersburg, in the county of Bourbon.

An act for the benefit of the trustees of the town of Hartford.

An act to incorporate the Rough Creek Navigation and Manufacturing Company.

An act to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

An act for the benefit of the late clerks of the Circuit and County Courts.

An act for the benefit of the Lancaster and Crab Orchard Turnpike Road Company.

An act in relation to Common School district, No. 12, in Whitley county.

An act to incorporate Forest Spring College, in Allen county.

An act to change the lines in Magistrates' and Constable's district, No. 1, in Lincoln county.

An act to legalize the proceedings of the Daviess County County.

An act to create the office of Police Judge and Marshal in the town of Shepherdsville.

Approved December 2, 1851.

The following petitions were presented, viz:

By Mr. Barnes—1. The petition of sundry citizens of the counties of Estill, Clarke, and Montgomery, praying the passage of a law in relation to the traffic in spirituous liquors.

By Mr. McHenry—2. The petition of sundry citizens of the county of Shelby on the same subject.

By Mr. Orr—3. The petition of sundry citizens of the county of Owen, praying the passage of a law conferring certain powers on the Marshal of the town of New Liberty in said county.

By same—4. The petition of the president and directors of the Owen county Turnpike Road Company, praying an amendment of the charter of said road.

By Mr. Gholson—5. The petition of Jacob Corbitt, praying the passage of a law refunding the amount paid by him for lands west of the Tennessee river.

By Mr. Hooe—6. The petition of sundry citizens of the county of

Mercer, praying the passage of a law imposing a fine on peddlers who may sell goods in said county.

Which petitions were received, the reading dispensed with, and referred—the 1st, 2nd, and 6th, to the committee on the Judiciary; the 3d and 4th to the committee on Propositions and Grievances; and the 5th to the committee on Finance.

Mr. Bibb, from the committee on County Courts, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the clerk of the Henderson County Court to transcribe and index certain records in his office, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the committee on the Judiciary, reported a bill to establish a Sinking Fund for the county of Bourbon, and to provide for the appointment of commissioners thereto, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Berry, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

1. An act to incorporate the Winchester and Kiddville Turnpike Road Company.

2. An act for the benefit of John Bell, Jr.

Reported the same, the 1st without, and the 2nd with an amendment, which was concurred in.

Ordered, That the 1st bill be read a third time, and that the 2nd be placed in the orders of the day.

The constitutional provision as to the third reading of the 1st bill being dispensed with.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the same committee, to whom was referred a bill to amend an act, entitled, an act to incorporate the Lexington and Danville Railroad Company, approved March 5, 1850, reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the committee on Finance, to whom was referred bills from the House of Representatives, of the following titles, viz :

An act to authorize the clerk of the Logan County Court to transcribe and have re-bound certain record books.

An act for the benefit of the sheriff of Pendleton county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Assessors of Tax of Madison, Logan, and Bath counties, reported the same with the expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative. So said bill was disagreed to.

Mr. Hardin, from the same committee, to whom was referred the petition of Henry Scofield, asked to be discharged from the further consideration thereof, which was granted.

Mr. Hardin, from the same committee, to whom was referred a bill to adjust and settle the claims of officers of the Court of Appeals against the commonwealth, reported the same with the expression of opinion that it ought not to pass.

And after some discussion had thereon, the hour arrived for taking up the orders of the day.

Leave was given to bring in the following bills, viz :

On motion of Mr. Haley—1. A bill to declare the Somerset Gazette a legally authorized newspaper.

On motion of Mr. Walker—2. A bill to amend the charter of the town of Brandenburg, and legalize the proceedings of the trustees of said town.

Ordered, That Messrs. Haley, Cobb, and Percifull, prepare and bring in the 1st; and the committee on the Judiciary the 2nd.

Mr. Spencer, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, entitled, an act for the benefit of Mahlon Pruden and others.

And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and

it was delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Spencer reported that the committee had performed that duty.

Ordered, That Mr. Leslie inform the House of Representatives of the readiness of the Senate, in pursuance of the joint order, to proceed to the election of the public officers.

A message was received from the House of Representatives, announcing their readiness to proceed to said election.

Mr. Preston nominated Mr. A. G. Hodges as a proper person to fill the office of Public Printer.

Mr. Hooe nominated Mr. Samuel Pike.

After interchanging nominations between the two Houses, the Senate proceeded to vote for Public Printer, and it stood thus :

Those who voted for Mr. Hodges, were

Sidney M. Barnes,	Ira Ellis,	Reuben Munday,
William J. Berry,	Walker W. Haley,	William Preston,
Henry G. Bibb,	Ben. Hardin,	James F. Robinson,
Abram I. Caldwell,	James W. Irwin,	Samuel A. Spencer,
Radford M. Cobb,	Preston H. Leslie,	Shelby Stone,
Joseph S. Conn,	Thomas N. Lindsey,	John D. Taylor,
John Cunningham,	Martin D. McHenry,	John C. Walker—21.

Those who voted for Mr. Pike, were.

Thomas J. Blincoe,	William A. Hooe,	Thompson S. Parks,
Eli Bozarth,	Lewis L. Mason,	Jefferson Percifull,
William Bradley,	John G. McFarland,	John Shawhan,
Wallace W. Brown,	Isaac P. Miller,	John J. Thomasson—13.
John A. Goodson,		

Those who voted for Mr. Tanner, were

Richard D. Gholson,	James P. Orr—2.
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Messrs. Preston and Hooe were appointed a committee, on the part of the Senate, to compare the joint vote, and report the result.

After a short time, the committee reported that the joint vote stood thus :

For Mr. Hodges,	- - - - -	76
For Mr. Pike,	- - - - -	53
For Mr. Tanner,	- - - - -	2

Whereupon, Mr. A. G. Hodges having received a majority of all the votes given, was declared duly elected Public Printer for the period prescribed by law.

Mr. Leslie nominated Mr. Benjamin Selby, as a proper person to fill the office of Librarian.

Mr. Cunningham nominated Mr. Wm. B. Holeman.

Mr. Lindsey nominated Mr. A. Tarrant.

After interchanging nominations between the two House, the Senate proceeded to vote for Librarian, and it stood thus :

Those who voted for Mr. Selby, were

Sidney M. Barnes,	Ira Ellis,	Reuben Munday,
William J. Berry,	Walker W. Haley,	Thompson S. Parks,
Henry G. Bibb,	Ben. Hardin,	Jefferson Percifull,
Thomas J. Blincoe,	William A. Hooe,	William Preston,
Eli Bozarth,	James W. Irwin,	John Shawhan,
William Bradley,	Preston H. Leslie,	Samuel A. Spencer,
Abram I. Caldwell,	Lewis L. Mason,	Shelby Stone,
Radford M. Cobb,	John G. McFarland,	John J. Thomasson,
Joseph S. Conn,	Isaac P. Miller,	John C. Walker—27.

Those who voted for Mr. Holeman, were

John Cunningham,	Martin D. McHenry,	James F. Robinson—5.
John A. Goodson,	James P. Orr,	

Those who voted for Mr. Tarrant, were

Wallace W. Brown,	Thomas N. Lindsey,	John D. Taylor—4.
Richard D. Gholson,		

Messrs. Lindsey and Cunningham were appointed a committee, on the part of the Senate, to compare the joint vote, and it stood thus :

For Mr. Selby,	- - - - -	107
For Mr. Holeman,	- - - - -	8
For Mr. Tarrant,	- - - - -	16

Whereupon, Mr. Selby having received a majority of all the votes given, was declared duly elected Librarian during the ensuing year.

Mr. Preston nominated Mr. Samuel M. Letcher, as a proper person to fill the office of Director of the Lunatic Asylum, for the unexpired term of Mr. John Lutz, who has removed from the State.

After interchanging nominations between the two Houses, the Senate proceeded to vote for Director of the Lunatic Asylum, and Mr. Letcher received the unanimous vote of the Senate.

Messrs. Robinson and Preston were appointed a committee, on the part of the Senate, to compare the joint vote, and report the result.

After a short time the committee reported that Mr. Letcher had received the unanimous vote of both Houses.

Whereupon, Mr. Samuel M. Letcher was declared duly elected a Director of the Lunatic Asylum.

Mr. Irwin nominated Mr. J. O. Harrison, as a proper person to fill the office of Director of the Lunatic Asylum, in the place of Mr. Thomas S. Redd, whose term of office had expired.

After interchanging nominations between the two Houses, the Senate proceeded to vote for Director of the Lunatic Asylum, and Mr. Harrison received the unanimous vote of the Senate.

Messrs. Irwin and Robinson were appointed a committee, on the part of the Senate, to compare the joint vote, and report the result.

After a short time the committee reported that Mr. Harrison had received the unanimous vote of both Houses.

Whereupon, Mr. J. O. Harrison was duly elected a Director of the Lunatic Asylum.

The Senate took up for consideration a resolution from the House of Representatives, for the benefit of the Louisville and Frankfort Railroad Company, which was twice read and adopted.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 10, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act allowing appeals from orders of County Courts fixing ferry rates.

That they had passed bills of the following titles, viz :

An act to change the line between the Tollsburg precinct and James McCormick's precinct, in Lewis county.

An act for the benefit of Elizabeth Jones, administratrix of George Jones, deceased.

An act for the benefit of the town of Dycusburg, in Crittenden county.

An act to amend an act, entitled, an act to incorporate the town of Campbellsville.

An act for the benefit of George Emmick.

The Senate resumed the consideration of a bill to adjust and settle the claims of officers of the Court of Appeals against the commonwealth.

Said bill reads as follows, viz :

Whereas, it is represented to the present General Assembly, that several officers of the Court of Appeals, (most generally known as the new court,) have not been paid, although warrants have been issued for portions of the same. Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the treasurer of the state be and he is hereby required to pay all outstanding warrants that may be due said officers of the Court of Appeals, and that the auditor is hereby required to issue his warrant on the treasurer, for any unpaid balances that may be due the officers as aforesaid, which the treasurer shall pay out of any money in the treasury not otherwise appropriated: *Provided*, that said warrants shall be first indorsed by the auditor that the same still remains unpaid, and that all demands

due the commonwealth by the owners or assignees of any of said warrants have been paid.

Be it further enacted, That if any of said warrants should be lost or mislaid, the owners shall draw the amount due upon the same, upon duplicate warrants, to be issued by the auditor, the owner first making oath that the original has been lost or mislaid, and that he is still the owner of the same; but no assignment of any of said warrants shall be good until all demands due the commonwealth is paid.

Mr. Conn moved to amend said bill by adding to the first section the following proviso, viz :

Provided further, That no claims or demands are intended to be embraced by this act, other than the warrants now outstanding, in favor of James Haggin, William T. Barry, Ben. Hickman, Rezin Davidge, and John Trimble, and a balance in favor of Rezin Davidge of \$402 68, for which no warrant has issued: *and provided*, that no interest is hereby intended to be paid on said warrants, &c.

Mr. Hardin moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Cunningham, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Ira Ellis,	James P. Orr,
William J. Berry,	John A. Goodson,	Thompson S. Parks,
Henry G. Bibb,	Ben. Hardin,	Jefferson Percifull,
Thomas J. Blincoe,	William A. Hooe,	James F. Robinson,
Eli Bozarth,	James W. Irwin,	John Shawhan,
Wallace W. Brown,	Preston H. Leslie,	Samuel A. Spencer,
Abram I. Caldwell,	Lewis L. Mason,	Shelby Stone,
Radford M. Cobb,	Martin D. McHenry,	John D. Taylor,
John Cunningham,	Isaac P. Miller,	John J. Thomasson,
John L. Elliott,	Reuben Munday,	John C. Walker—30.

In the negative—Joseph S. Conn.

Mr. Taylor, from the committee on Education, to whom was referred the petition of the citizens of School district, No. 9, in Monroe county, reported the same with the following resolution, viz :

Resolved, That said petition be rejected.

And the question being taken on concurring in said resolution, it was decided in the negative.

On motion of Mr. Gholson,

Ordered, That said petition be re-committed to the committee on Education, with instructions to report a bill, providing that in all cases, where in any district a school shall have been taught for the term of three or more months, in any one year, the proper payment for the same shall be made.

The Senate, according to order, took up for consideration the mes-

sage of the Governor, of the 21st of November, returning with his objections a bill, entitled, an act to incorporate the Phoenix Insurance Company at Lexington.

Said bill reads as follows, viz :

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry T. Duncan, W. A. Dudley, Daniel Breck, David A. Sayre, Richard A. Buckner, and Henry Bell, together with those who shall hereafter become stockholders as hereinafter directed, shall be and they are hereby created, and made a corporation and body politic, by the name and style of "the Phoenix Insurance Company of Lexington," and shall continue in existence until the first day of January, eighteen hundred and eighty-five, and by that name are hereby made capable in law to have, to purchase, receive, possess, enjoy, and retain to themselves and their successors, lands, tenements, rents, hereditaments, goods, chattels and effects ; and the same to sell, grant, demise, alien, and dispose of ; also, to sue and be sued, answer and be answered, defend and be defended, in all the courts of this commonwealth, and elsewhere ; also, to make, have, and use a common seal, and the same to alter and renew at pleasure ; also, to ordain and establish such by-laws and regulations as shall be deemed necessary for the government of the corporation, and not contrary to law ; and generally to do and execute all and singular the acts, matters, and things that a corporation may rightfully do.

§ 2. That the persons named in the first section, or a majority of them, shall open books of subscription for the stock of said company, which stock shall consist of one thousand five hundred shares, with power in the president and directors to increase the stock to three thousand shares, of one hundred dollars each, payable in gold or silver coin ; and at the time of subscribing they shall have the right to demand and receive five dollars on each share, and to have secured the residue to the satisfaction of the corporation, payable in six months, which obligations may be renewed from time to time, either of the whole, or such part thereof as the president and directors shall determine ; and it shall be the duty of the president and directors to give at least thirty days' notice of any call they may think it expedient to make, and in case of failure of any stockholder to meet such a call, or to secure the payment of the remainder, as aforesaid, it shall be lawful for the president and directors to sell such delinquent shares, and transfer the same to the purchaser, or declare them forfeited to the company, together with all previous payments thereon. No transfer of stock shall be deemed valid and complete, so long as the persons transferring the same shall be indebted to the said company, until the amount for which he is indebted is secured to the satisfaction of the president and directors ; and the stock of every stockholder shall be held as a collateral security for the payment of whatever sum he may be indebted to said company, by notes for stock or otherwise.

§ 3. That so soon as five hundred shares of the capital stock of the company are subscribed, and the stockholders shall meet at the place of opening the books for subscription of stock in said company, and at the office of said company, on the first Monday in May, eighteen hundred and fifty-two, and at the office of the company on the first Monday in

May in each succeeding year, and elect a president and six directors, who shall continue until the first Monday in May of the ensuing year, and until their successors shall be elected, of which elections, except the first, previous notice shall be given in the newspapers printed in Lexington, at least two weeks; and in case of the death, resignation, or failure of the president to act as such, the directors may elect some person to fill such vacancy for the residue of the year; and no person shall be chosen a director who does not own ten shares of the stock.

§ 4. That in all elections by the shareholders, each share to the number of ten shall be entitled to one vote, and every five shares thereafter owned by the same person shall entitle him to one additional vote; but no person who is not a resident of the state of Kentucky shall have a vote; and no stockholder shall have a vote, at any election for president and directors, unless he shall have been the owner of the stock one month prior to such election, by a regular transfer upon the books of the company; and shares may be voted on by the executor or administrator of the deceased owner, or by proxy.

§ 5. That the president and directors, for the time being, shall have power to appoint such officers and agents under them, and at such places as shall be necessary for executing the business of said company, and to allow such compensation as may be agreed upon, and to require and take bond and security for the faithful discharge of their respective duties and trusts; and the said president and directors shall have power to make by-laws and ordinances to govern the corporation, and may repeal, alter, and amend them; and the president and three directors shall constitute a quorum for the transaction of business; or four directors, without the president, one whom shall be chosen president for the time being.

§ 6. That the president and directors, for the time being, shall have power and authority, in the name of the company, to make insurance at such rate of premium or interest as may be agreed upon by the parties, upon buildings, furniture, machinery, goods, wares, and merchandise of every description against fire in town or country; and also to make all kind of insurance on every description of property transported by land or water, and likewise to make insurance on lives by sea or water, or on shore; and to contract for, grant and sell annuities; and to make all kinds of contracts in which the casualties of life or property are involved; and every such contract, bargain or agreement, or policy to be made by the said corporation, shall be in writing or print, and shall be signed by the president, and attested and signed by the secretary or clerk, who may be appointed by the president and directors for that purpose; and the said company shall have power to deal in bills of exchange, and to buy and sell notes.

§ 7. It shall be the duty of the president and directors, on the first Monday of May and November, in each and every year, to make a dividend of so much of the profits of the said corporation as to them shall appear desirable; and in case of any loss or losses, whereby the capital stock of the corporation shall be impaired or lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of said corporation, shall have been added to the capital.

§ 8. That whenever said corporation shall be notified of any loss sus-

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tained or incurred, on any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or incurred on such policy, within sixty days after being so notified, provided there shall been no violation of the condition of the policy on the part of the insured.

And the question being taken, "shall said bill pass, the Governor's objections to the contrary notwithstanding?" it was decided in the negative.

The yeas and nays being required thereon in accordance with the constitution, were as follows, viz :

Those who voted in the affirmative—none.

Those who voted in the negative, were

Sidney M. Barnes,	John A. Goodson,	James P. Orr,
William J. Berry,	Ben. Hardin,	Thompson S. Parks,
Henry G. Bibb,	William A. Hooe,	Jefferson Percifull,
Thomas J. Blincoe,	James W. Irwin,	William Preston,
Eli Bozarth,	Preston H. Leslie,	James F. Robinson,
William Bradley,	Thomas N. Lindsey,	John Shawhan,
Wallace W. Brown,	Lewis L. Mason,	Samuel A. Spencer,
Abram I. Caldwell,	John G. McFarland,	Shelby Stone,
John Cunningham,	Martin D. McHenry,	John D. Taylor,
John L. Elliott,	Isaac P. Miller,	John J. Thomasson,
Ira Ellis,	Reuben Munday,	John C. Walker—33.

The Senate, according to order, took up for consideration the bill to revise the statute laws of this state.

Said bill was amended.

And then the Senate adjourned.

THURSDAY, DECEMBER 11, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to provide for the construction of a levee from the town of Hickman to the Tennessee line.

That they had passed bills of the following titles, viz :

An act to increase the jurisdiction of Justices of the Peace.

An act to incorporate the Newport and Maysville Railroad Company.

An act authorising the presiding judge of Kenton county to hold quarterly terms in Covington.

An act to incorporate the Kentucky River Navigation Company.

An act to authorize the Clarke County Court to subscribe stock in works of Internal Improvement in said county.

An act to change the state road leading from Hopkinsville to Clarksville, in Tennessee.

An act for the benefit of Samuel Spencer.

An act extending the mechanics' lien law to certain counties.

An act to change the place of voting in an election precinct in Jefferson county.

An act to change a place of voting in Muhlenburg county.

An act authorizing the County Court of Wayne to sell the old jail and stray pen lots in Monticello.

An act to extend the corporate limits of the city of Newport.

An act to charter the town of Mount Olivet, in Nicholas and Bracken counties.

An act authorizing the County Judge of Oldham to alter Lagrange district.

An act for the benefit of Robert Butler, of Simpson county.

An act to repeal an act, entitled, an act to amend the road law in Pendleton county, approved February 25, 1851.

Mr. McHenry presented the petition of sundry citizens of the county of Spencer, in relation to the traffic in spirituous liquors, which was received, the reading dispensed with, and referred to the committee on the Judiciary.

Mr. Taylor, from the committee on Education, reported a bill for the benefit of Common School districts in this commonwealth, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with.

Mr. Leslie moved an amendment to said bill, which was adopted.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the committee on the Judiciary, reported a bill to provide for taking the sense of the people of Kentucky, as to the propriety of suppressing the liquor traffic, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Shawhan moved to lay said bill on the table.

Said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the sheriffs of the several voting places in this commonwealth, at the general election in the year eighteen hundred and fifty-three, to propound, or cause to be propounded to each voter, the following question: "Are you for or against the passage of a law to suppress the traffic in intoxicating liquor, except for medical and mechanical uses?" And it shall be the duty of each clerk of the election to record the vote of each voter, who shall respond directly to said question; and when the poll books are compared, the proper officers, when they certify the election of members of the General Assembly to the Secretary of State, shall certify the number of votes, negative and affirmative, on said question, at each voting place in the commonwealth; which returns it shall be the duty of the Secretary of State to lay before the next General Assembly.

And the question being taken on laying said bill on the table, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Shawhan and Cobb, were as follows, viz:

Those who voted in the affirmative, were

Henry G. Bibb,	Ben. Hardin,	Thompson S. Parks,
William Bradley,	William A. Hooe,	Jefferson Percifull,
Radford M. Cobb,	James W. Irwin,	John Shawhan,
Ira Ellis,	Preston H. Leslie,	Shelby Stone,
Richard D. Gholsen,	John G. McFarland,	John D. Taylor—17.
John A. Goodson,	Reuben Munday,	

Those who voted in the negative, were

Sidney M. Barnes,	Joseph S. Conn,	James P. Orr,
William J. Berry,	John Cunningham,	James F. Robinson,
Thomas J. Blincoe,	Walker W. Haley,	Samuel A. Spencer,
Eli Bozarth,	Lewis L. Mason,	John J. Thomasson,
Wallace W. Brown,	Martin D. McHenry,	John C. Walker—16.
Abram I. Caldwell,		

Mr. McHenry, from the same committee, to whom was referred a bill from the House of Representatives, entitled an act for the benefit of Jno. Wallis, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to regulate the duties of Executors and Administrators, reported the same with the expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative. So said bill was disagreed to.

Mr. McHenry, from the same committee, to whom was referred a bill regulating the settling of accounts of executors, administrators, guardians, and trustees, residing within the city of Louisville, reported the same with the expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

Mr. McHenry, from the same committee, to whom was referred a bill for the benefit of William Kouns, reported the same with the expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the affirmative.

Mr. Elliott moved that said bill have its third reading at 11 o'clock on to-morrow.

And the question being taken thereon, it was decided in the negative, by the casting vote of the Speaker.

The yeas and nays being required thereon by Messrs. Hardin and Elliott, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Richard D. Gholson,	Thompson S. Parks,
William Bradley,	John A. Goodson,	Jefferson Percifull,
Wallace W. Brown,	William A. Hooe,	John Shawhan,
Radford M. Cobb,	Lewis L. Mason,	Shelby Stone,
John L. Elliott,	John G. McFarland,	John D. Taylor,
Ira Ellis,	Isaac P. Miller,	John J. Thomasson—18.

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	Martin D. McHenry,
Henry G. Bibb,	Walker W. Haley,	Reuben Munday,
Thomas J. Blincoe,	Ben. Hardin,	James P. Orr,
Eli Bozarth,	James W. Irwin,	James F. Robinson,
Abram I. Caldwell,	Preston H. Leslie,	Samuel A. Spencer,
Joseph S. Conn,	Thomas N. Lindsey,	John C. Walker—18.

Mr. McHenry, from the same committee, reported the following bills viz :

A bill for the benefit of B. G. Dudley.

A bill to incorporate the Independent Fire Company, Washington No. 1, of Maysville and suburbs.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred leave to bring in a bill to amend an act, entitled, an act vesting jurisdiction

in Circuit Courts to authorize the sale of real estate of infants in certain cases, asked to be discharged from the further consideration thereof, which was granted.

Mr. Bradley from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to allow an additional Magistrates' and Constable's district in the county of Owsley, reported the same without amendment.

Ordered, That said bill be placed in the orders of the day.

Mr. Bradley, from the same committee, reported a bill allowing an additional Magistrates' and Constable's district in Morgan county, which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bradley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to take the sense of the people of Owsley county, for the purpose of changing the county seat of said county, reported the same without amendment.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the following persons, viz: Abel Pennington and Isaac Congleton, to meet at Boonville, in Owsley county, on the last Monday in January, 1852, and of the following other persons, viz: Joseph Seal and Hiram McGuire, to meet at Proctor, in the same county, on the same day, and at the usual voting place, to superintend, as judges, an election at each place, for the purpose of determining whether the seat of justice of Owsley county shall remain at Boonville, or be removed to Proctor; and the said judges, with a view to determine that matter, shall open a poll book at said places of voting, containing separate columns for and against said towns, respectively, as above indicated; and all persons living in said county of Owsley, who are 21 years of age, and entitled to vote under existing laws, and who were residents of said county at the passage of this act, shall be entitled to vote in said election; and the voters shall be entitled to vote at either of said voting precincts. Said judges shall continue to hold said election for two consecutive days; and at the close of said election, they shall cause the votes taken to be cast up in each column, and that place having a majority of all the votes cast, shall be entitled to the seat of justice of said county; and the county court, or probate court of said county, next after said election, shall proclaim the result of said election, and immediately take the necessary steps, under existing laws, to have the sense of the people so ascertained, properly executed; and in case they fail, or refuse so to do, the circuit court of Owsley county shall, and is hereby required to enforce the compliance of said county, or probate court, in the directions aforesaid; and until they shall have so complied, the circuit and county courts of said county shall sit and hold their terms in the

town of Proctor; and to enable them to do so, the citizens of Proctor shall furnish a house sufficient to hold court in, until the public buildings can be erected. It shall be the duty of the clerk of the county and circuit courts, if it shall appear that the town of Proctor has received a majority in said election, to remove the archives of his office immediately to said town.

§ 2. That Isaac Hacker is hereby appointed to act as sheriff, and O. C. Cole as clerk of the election to be held at Proctor; and John C. Faulner as sheriff, and M. G. Horton as clerk of the election at Boonville; and in the event that either of said judges, clerks or sheriffs, should fail to attend the election as aforesaid, then the remaining judge, sheriff or clerk, to which he was a party, may appoint one to fill such vacancy.

§ 3. That in the event that any of said judges or parties, for or against the removal of said county seat, shall refuse to hold said election, as required by this act, then the opposing party shall proceed to open a poll, as herein directed, at the place they may be in favor of; and a majority of the votes cast at said place shall govern, settle, and change the county seat, as if polls had been opened at both places.

§ 4. That in case the county seat of Owsley county be removed to the town of Proctor, the trustees of said town shall have power to dispose of the public square, remove the court house, clerk's office and jail to the town of Proctor, or dispose of them, as they may think best; and when disposed thereof, the proceeds thereof shall be applied to the erection of public buildings as aforesaid. And should the county seat be removed, then the citizens of said county shall not be taxed for the erection of public buildings; but the citizens of Proctor, or those voting for the removal, shall build the same at their own expense; that is to say, the road and bridge fund is hereby set apart to be held for the purpose of erecting said buildings; and in case the county seat of said county be removed to Proctor, then the county court is hereby directed not to appropriate any of said fund from and after the passage of this act; and all moneys loaned out, and all that the county court has assumed to pay, shall also be applied to the erection of said public buildings until they are completed.

§ 5. That any person voting twice, or being guilty of false voting at said election, shall be subject to all the penalties now in force, under the laws regulating elections.

Mr. Munday moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Munday and Percifull, were as follows, viz:

Those who voted in the affirmative, were

William J. Berry,	Walker W. Haley,	Reuben Munday,
William Bradley,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	James W. Irwin,	John Shawhan,
Radford M. Cobb,	Lewis L. Mason,	Samuel A. Spencer,
John Cunningham,	Martin D. McHenry,	Shelby Stone,
Ira Ellis,	Isaac P. Miller,	John C. Walker—19.
John A. Goodson,		

Those who voted in the negative, were

Sidney M. Barnes,	Richard D. Gholson,	Thompson S. Parks,
Henry G. Bibb,	William A. Hooe,	Jefferson Percifull,
Thomas J. Blincoe,	Preston H. Leslie,	James F. Robinson,
Eli Bozarth,	Thomas N. Lindsey,	John D. Taylor,
Wallace W. Brown,	John G. McFarland,	John J. Thomasson—17.
John L. Elliott,	James P. Orr,	

Mr. Irwin, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Lexington and Cumberland Railroad Company, reported the same without amendment.

Ordered, That said bill be placed in the orders of the day.

A message in writing was received from the Governor, by Mr. Meriwether, Secretary of State, in relation to the Second Lunatic Asylum.

The rule of the Senate being dispensed with, said message was taken up and read.

[For Message, and accompanying documents—see *Legislative Documents*.]

Ordered, That the Public Printer print 150 copies of said message and accompanying documents, for the use of the General Assembly.

Mr. Hardin, at five minutes past 12 o'clock, moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Shawhan, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	John L. Elliott,	Reuben Munday,
William J. Berry,	Ira Ellis,	William Preston,
Henry G. Bibb,	Walker W. Haley,	James F. Robinson,
Abram I. Caldwell,	Ben. Hardin,	Shelby Stone,
Radford M. Cobb,	James W. Irwin,	John D. Taylor,
Joseph S. Conn,	Preston H. Leslie,	John C. Walker—20.
John Cunningham,	Thomas N. Lindsey,	

Those who voted in the negative, were

Thomas J. Blincoe,	William A. Hooe,	Thompson S. Parks,
Eli Bozarth,	Lewis L. Mason,	Jefferson Percifull,
William Bradley,	John G. McFarland,	John Shawhan,
Wallace W. Brown,	Martin D. McHenry,	Samuel A. Spencer,
Richard D. Gholson,	Isaac P. Miller,	John J. Thomasson—17.
John A. Goodson,	James P. Orr,	

And then the Senate adjourned.

FRIDAY, DECEMBER 12, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to amend an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850, with amendments.

That they had passed bills of the following titles, viz :

An act for the benefit of the Kentucky School of Medicine.

An act authorizing the trustees of Russellville to tax nine and ten pins.

An act for the benefit of William Alexander.

An act for the benefit of H. Woodyard, late sheriff of Grant county.

The following petitions were presented, viz :

By Mr. Cunningham—1. The petition of D. Offut, on the subject of the improvement of domestic animals.

By Mr. Thomasson—2. The petition of Thomas R. Heritage and others.

By Mr. McHenry—3. The petition of William Young on behalf of Eliza Hammons.

By Mr. Caldwell—4. The petition of Hester D. Collins, praying the passage of a law authorizing her to deal and carry on business as a *feme sole*.

By Mr. Parks—5. The petition of sundry citizens of Nicholas county, in relation to the traffic in ardent spirits.

By Mr. Shawhan—6. The petition of sundry citizens of Harrison county, praying the passage of a law authorizing the County Court of said county to issue bonds for railroad purposes.

By Mr. Cunningham—7. The petition of sundry citizens of Bourbon county in relation common schools.

By Mr. Barnes—8. The petition of John W. Reynolds, of Estill county, praying compensation for keeping an idiot.

By Mr. Hardin—9. The petition of sundry citizens of Nelson county, praying the passage of a law authorizing the sense of the people to be taken as to the propriety of imposing a tax for railroad purposes.

By Mr. Cunningham—10. The petition of the president of the Cynthiana and Millersburg Turnpike Road Company, praying an amendment to the charter of said road.

Ordered, That the committee on Agriculture and Manufactures prepare and bring in the 1st; the committee on the Judiciary, the 2nd, 3d, 4th, and 5th; the committee on Internal Improvement, the 6th, 9th, and

10th; the committee on Education, the 7th; and the committee on Finance, the 8th.

The following bills were reported, viz:

Mr. Berry, from the committee on Internal Improvement, a bill from the House of Representatives, entitled, an act to incorporate the Mountsterling, Kiddville, Red River, Iron Works, and Irvine Turnpike Road Company.

Mr. Hardin, from the committee on Finance, a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Jessamine county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz:

Mr. Berry, from the committee on Internal Improvement, a bill to amend an act, entitled, an act to incorporate the Bank Lick Turnpike Road Company.

Mr. Hardin, from the committee on Finance, a bill for the benefit of the Sheriff of Union county.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Lindsey, from the committee on Public Buildings, reported a bill to provide for inclosing the capital square, in Frankfort, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the committee on Finance.

Mr. Lindsey, from the committee on Banks, reported a bill authorizing the Governor to appoint commissioners to examine the Banking Institutions of this State, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be placed in the orders of the day, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Preston, from a select committee, to whom was referred a bill

from the House of Representatives, entitled, an act to create additional election precincts in the city of Louisville, reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title be amended to read, "an act to create an additional election precinct in the 1st and 2nd wards in the city of Louisville."

Mr. Preston, from a select committee, to whom was referred a bill from the House of Representatives, entitled, an act making additional voting places in districts, Nos. 3 and 7; and changing the place of voting in district, No. 4, in Greenup county, reported the same without amendment.

And the question being taken on ordering said bill to be read a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Percifall, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	John L. Elliott,	John G. McFarland,
Henry G. Bibb,	Ira Ellis,	Isaac P. Miller,
William Bradley,	John A. Goodson,	Jefferson Percifall,
Wallace W. Brown,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	James W. Irwin,	John D. Taylor,
Joseph S. Conn,	Lewis L. Mason,	John J. Thomasson—19.
John Cunningham,		

Those who voted in the negative, were

Sidney M. Barnes,	Preston H. Leslie,	James F. Robinson,
Thomas J. Blincoe,	Thomas N. Lindsey,	John Shawhan,
Eli Bozarth,	Martin D. McHenry,	Samuel A. Spencer,
Richard D. Gholson,	Reuben Munday,	Shelby Stone,
Walker W. Haley,	James P. Orr,	John C. Walker—15.

Mr. Preston moved that said bill have its third reading on to-morrow at 11 o'clock, which was decided in the affirmative.

Mr. Preston, from a select committee, to whom was referred an engrossed bill to change the time of electing Justices of the Peace and Constables, reported the same with an amendment, as a substitute for said bill, which was adopted.

Ordered, That said bill be re-engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being re-engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Preston, from a select committee, reported a bill to authorize the

appointment of persons to serve in the Justices' Court in the city of Louisville; which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be referred to the committee on the Judiciary.

The following bills were reported from select committees, viz:

By Mr. Cobb—1. A bill to establish the line between the counties of Knox and Clay.

By Mr. Conn—2. A bill for the benefit of Samuel Woodson, late clerk of the Hopkins Circuit Court.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st bill be engrossed and read a third time, and that the 2nd be referred to the committee on Finance.

The constitutional provision as to the third reading of the 1st bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Gholson moved a reconsideration of the vote by which the Senate, on yesterday, laid upon the table a bill to provide for taking the sense of the people of Kentucky, as to the propriety of suppressing the liquor traffic.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Shawhan and Parks, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Richard D. Gholson,	James P. Orr,
Thomas J. Blincoe,	Walker W. Haley,	Thompson S. Parks,
Eli Bozarth,	Preston H. Leslie,	James F. Robinson,
William Bradley,	Thomas N. Lindsey,	Samuel A. Spencer,
Wallace W. Brown,	Lewis L. Mason,	Shelby Stone,
Abram I. Caldwell,	Martin D. McHenry,	John J. Thomasson,
Joseph S. Conn,	Isaac P. Miller,	John C. Walker—22.
John L. Elliott,		

Those who voted in the negative, were

William J. Berry,	John A. Goodson,	Reuben Munday,
Henry G. Bibb,	Ben. Hardin,	Jefferson Percifull,
Radford M. Cobb,	William A. Hooe,	William Preston,
John Cunningham,	James W. Irwin,	John Shawhan,
Ira Ellis,	John G. McFarland,	John D. Taylor—15.

Ordered, That said bill be recommitted to the committee on the Judiciary.

Mr. Goodson read and laid on the table the following resolution, viz:

Whereas, the presiding judges of the counties in this commonwealth are required by law to keep their records in well bound books. Wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the presiding judges are hereby authorized to retain out of the tax on writs, an amount sufficient to pay for their record books, and report the price of said books, as well as the amount retained, to the Auditor of Public Accounts.

Mr. Spencer moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency and policy of so amending the laws in regard to riots, routs, and breaches of the public peace, as to authorize the erection of work houses in the several counties in this commonwealth, in which insolvent offenders may be kept at some profitable employment, instead of being allowed to pay the fines in such cases by laying in jail at \$2 per day.

Which was adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Taylor—1. A bill to incorporate the Enterprise, Tanning, and Leather Manufacturing Company, of the county of Lewis.

On motion of Mr. Robinson—2. A bill to incorporate the Phoenix Insurance Company at Lexington.

On motion of Mr. Cunningham—3. A bill to amend the Cynthiana and Millersburg Turnpike charter.

On motion of Mr. Gholson—4. A bill to authorize the election of a Police Judge, Town Marshal, and Tax Commissioner, in the town of Columbus.

On motion of Mr. Caldwell—5. A bill to amend the charter of the Lexington and Danville Railroad Company.

On motion of Mr. Elliott—6. A bill to declare Durben's creek, in Law county, a navigable stream from its mouth to its source.

On motion of Mr. Brown—7. A bill to amend the charter of the town of West Liberty, in Morgan county.

On motion of Mr. Mason—8. A bill to charter the Eagle Creek Bridge Company.

On motion of same—9. A bill to incorporate the Worthville and Davis Creek Turnpike Road Company.

On motion of Mr. Goodson—10. A bill to amend the charter of the town of Brooklyn.

On motion of Mr. Shawhan—11. A bill to amend the charter of the city of Augusta, in Bracken county.

On motion of same—12. A bill to change the time of holding Justices' Courts in Bracken county.

On motion of Mr. Mason—13. A bill to amend the charter of the Ghent and Eagle Creek Turnpike Road Company.

On motion of Mr. Hooe—14. A bill to exempt citizens of this commonwealth from the penalty of the law prohibiting the importation of slaves into this commonwealth.

On motion of same—15. A bill to allow a Police Judge and Town Marshal in the town of Cornishville, in Mercer county.

On motion of Mr. Preston—16. A bill for the compensation of the Commissioners of the Code of Practice.

On motion of Mr. Cobb—17. A bill for the benefit of Jarvis Jackson, of Laurel county.

On motion of Mr. Bradley—18. A bill to establish an additional Magistrates' and Constable's district in Hopkins county.

On motion of Mr. Leslie—19. A bill for the benefit of Common School district, No. 72, in Barren county.

On motion of same—20. A bill to induce Trustees and Commissioners of Common Schools to perform their duties as required by law.

On motion of Mr. Miller—21. A bill regulating the times of the sittings of the Circuit Court of Jefferson county.

Ordered, That the committee on the Judiciary prepare and bring in the 1st, 2nd, 5th, 7th, 10th, 11th, and 14th; the committee on Internal Improvement, the 3d; Messrs. Gholson, Berry, and Spencer, the 4th; Messrs. Elliott, Brown, and Cobb, the 6th; Messrs. Mason, Brown, and Orr, the 8th, 9th, and 13th; the committee on County Courts, the 12th; Messrs. Hooe, Robinson, and Miller, the 15th; Messrs. Preston, McHenry, and Hardin, the 16th; Messrs. Cobb, Taylor, and Haley, the 17th; the committee on Propositions and Grievances, the 18th; the committee on Education, the 19th and 20th; and Messrs. Miller, Preston, and Hooe, the 21st.

Mr. Preston moved a reconsideration of the vote by which the Senate, on this day, passed a bill from the House of Representatives, entitled, an act to create an additional election precinct in each ward in the city of Louisville, which was decided in the affirmative.

Ordered, That said bill be made the special order of the day for to-morrow, at 11 o'clock.

A message was received from the House of Representatives, announcing that they were ready to proceed to the execution of the joint order of the day, the election of a Senator in Congress.

Mr. Stone, at 12 o'clock, moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Robinson and Haley, were as follows, viz :

Those who voted in the affirmative, were

Eli Bozarth,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John Shawhan,
Wallace W. Brown,	John G. McFarland,	Thomas J. Smith,
John L. Elliott,	Isaac P. Miller,	Samuel A. Spencer,
Richard D. Gholson,	James P. Orr,	Shelby Stone,
John A. Goodson,	Thompson S. Parks,	John J. Thomasson—18.

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	Martin D. McHenry,
William J. Berry,	Ira Ellis,	Reuben Munday,
Henry G. Bibb,	Walker W. Haley,	William Preston,
Thomas J. Blincoe,	Ben. Hardin,	James F. Robinson,
Abram I. Caldwell,	James W. Irwin,	John D. Taylor,
Radford M. Cobb,	Preston H. Leslie,	John C. Walker—20.
Joseph S. Conn,	Thomas N. Lindsey,	

Ordered, That Messrs. Preston and Robinson inform the House of Representatives that the Senate is now ready to proceed to the execution of the joint order of the day, the election of a Senator in Congress.

Mr. Percifull, at fifteen minutes past 12 o'clock, moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Haley and Munday, were as follows, viz :

Those who voted in the affirmative, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
Eli Bozarth,	Lewis L. Mason,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith,
Wallace W. Brown,	Isaac P. Miller,	Samuel A. Spencer,
John L. Elliott,	James P. Orr,	Shelby Stone,
Richard D. Gholson,	Thompson S. Parks,	John J. Thomasson—19.
John A. Goodson,		

Those who voted in the negative, were

Sidney M. Barnes,	Ira Ellis,	Martin D. McHenry,
William J. Berry,	Walker W. Haley,	Reuben Munday,
Henry G. Bibb,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	James W. Irwin,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	Thomas N. Lindsey,	John C. Walker—19.
John Cunningham,		

Mr. Irwin withdrew the name of Mr. Archibald Dixon.

Mr. Cunningham withdrew Mr. John L. Helm.

Mr. Bradley withdrew Mr. D. Meriwether.

Mr. Leslie nominated Mr. John B. Thompson.

Mr. Gholson nominated Mr. Francis P. Stone.

Mr. Elliott, at twenty minutes past 12 o'clock, moved an adjournment.

And the question being taken thereon, it was decided in the negative. The yeas and nays being required thereon by Messrs. Leslie and Stone, were as follows, viz :

Those who voted in the affirmative, were

Thomas J. Blincoe,	William A. Hoee,	Jefferson Percifull,
Eli Bozarth,	Lewis L. Mason,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith,
Wallace W. Brown,	Isaac P. Miller,	Samuel A. Spencer,
John L. Elliott,	James P. Orr,	Shelby Stone,
Richard D. Gholson,	Thompson S. Parks,	John J. Thomasson—19.
John A. Goodson,		

Those who voted in the negative, were

Sidney M. Barnes,	Ira Ellis,	Martin D. McHenry,]
William J. Berry,	Walker W. Haley,	Reuben Munday,
Henry G. Bibb,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	James W. Irwin,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	Thomas N. Lindsey,	John C. Walker—19.
John Cunningham,		

Mr. Gholson moved to dispense with the rules for the purpose of reporting a bill.

And the question being taken thereon, it was decided in the negative, two-thirds not voting therefor.

The yeas and nays being required thereon by Messrs. Stone and Brown, were as follows, viz :

Those who voted in the affirmative, were

Thomas J. Blincoe,	John A. Goodson,	Thompson S. Parks,
Eli Bozarth,	Ben. Hardin,	Jefferson Percifull,
William Bradley,	William A. Hoee,	John Shawhan,
Wallace W. Brown,	Lewis L. Mason,	Thomas J. Smith,
Joseph S. Conn,	John G. McFarland,	Samuel A. Spencer,
John L. Elliott,	Isaac P. Miller,	Shelby Stone,
Richard D. Gholson,	James P. Orr,	John J. Thomasson—21.

Those who voted in the negative, were

Sidney M. Barnes,	Ira Ellis,	Reuben Munday,
William J. Berry,	Walker W. Haley,	William Preston,
Henry G. Bibb,	James W. Irwin,	James F. Robinson,
Abram I. Caldwell,	Preston H. Leslie,	John D. Taylor,
Radford M. Cobb,	Thomas N. Lindsey,	John C. Walker—17.
John Cunningham,	Martin D. McHenry,	

Mr. Parks, at twenty-five minutes past 12 o'clock, moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Stone and Spencer, were as follows, viz :

Those who voted in the affirmative, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
Eli Bozarth,	Lewis L. Mason,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith,
Wallace W. Brown,	Isaac P. Miller,	Samuel A. Spencer,
John L. Elliott,	James P. Orr,	Shelby Stone,
Richard D. Gholson,	Thompson S. Parks,	John J. Thomasson—19.
John A. Goodson,		

Those who voted in the negative, were

Sidney M. Barnes,	Ira Ellis,	Martin D. McHenry,
William J. Berry,	Walker W. Haley,	Reuben Munday,
Henry G. Bibb,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	James W. Irwin,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	Thomas N. Lindsey,	John C. Walker—19.
John Cunningham,		

Mr. Percifull moved to dispense with the regular order for the purpose of disposing of other business.

Mr. Preston moved to lay said motion on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Stone and Shawhan, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	John Cunningham,	Martin D. McHenry,
William J. Berry,	Ira Ellis,	Reuben Munday,
Henry G. Bibb,	Walker W. Haley,	William Preston,
Abram I. Caldwell,	James W. Irwin,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	Thomas N. Lindsey,	John C. Walker—18.

Those who voted in the negative, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
Eli Bozarth,	Lewis L. Mason,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith,
Wallace W. Brown,	Isaac P. Miller,	Samuel A. Spencer,
John L. Elliott,	James P. Orr,	Shelby Stone,
Richard D. Gholson,	Thompson S. Parks,	John J. Thomasson—19.
John A. Goodson,		

The question was then taken on the motion made by Mr. Percifull, and it was decided in the negative, two-thirds not voting thereof.

The yeas and nays being required thereon, by Messrs. Mason and Miller, were as follows, viz :

Those who voted in the affirmative, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
Eli Bozarth,	Preston H. Leslie,	John Shawhan,
William Bradley,	Lewis L. Mason,	Thomas J. Smith,
Wallace W. Brown,	John G. McFarland,	Samuel A. Spencer,
John L. Elliott,	Isaac P. Miller,	Shelby Stone,
Richard D. Gholson,	James P. Orr,	John J. Thomasson—20.
John A. Goodson,	Thompson S. Parks,	

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	Reuben Munday,
William J. Berry,	Ira Ellis,	William Preston,
Henry G. Bibb,	Walker W. Haley,	James F. Robinson,
Abram I. Caldwell,	James W. Irwin,	John D. Taylor,
Radford M. Cobb,	Thomas N. Lindsey,	John C. Walker—17.
Joseph S. Conn,	Martin D. McHenry,	

Mr. Shawhan, at ten minutes past 1 o'clock, moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Shawhan, were as follows, viz:

Those who voted in the affirmative, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
Eli Bozarth,	Lewis L. Mason,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith,
Wallace W. Brown,	Isaac P. Miller,	Samuel A. Spencer,
John L. Elliott,	James P. Orr,	Shelby Stone,
Richard D. Gholson,	Thompson S. Parks,	John J. Thomasson—19.
John A. Goodson,		

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	Martin D. McHenry,
William J. Berry,	Ira Ellis,	Reuben Munday,
Henry G. Bibb,	Walker W. Haley,	William Preston,
Abram I. Caldwell,	James W. Irwin,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	Thomas N. Lindsey,	John C. Walker—18.

And then the Senate adjourned.

SATURDAY, DECEMBER 13, 1851.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act to give additional powers to the Madison County Court.

An act for the benefit of Travis Daniel.

An act permitting the sale of real estate at the door of the City Hall, in the city of Covington.

An act for the benefit of William Meredith.

The following petitions were presented, viz:

By Mr. Hardin—1. The petition of sundry citizens of Larue county, praying the passage of a law authorizing Charles Price to sell liquor without a license.

By same—2. The petition of John Cume, praying the passage of a law authorizing him to erect a dam across the Beech Fork of Salt river.

Which petitions were received, the reading dispensed with, and referred—the 1st to the committee on Finance, and the 2nd to the committee on the Judiciary.

Mr. McHenry, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act for the benefit of the trustees of the town of Burlington, in Boone county.

An act to amend the charter of the town of Clayville, in Shelby county.

Reported the same, the 1st with, and the 2nd without an amendment, which was concurred in.

Ordered, That said bills, the 1st as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, reported the following bills, viz :

A bill for the benefit of the Florence Academy, in Boone county.

A bill concerning certain public books.

A bill to amend an act to enlarge the powers of the trustees of the town of Brandenburg, approved February 18, 1839.

A bill to establish the Enterprise and Tanning, and Leather Manufacturing Company, of the county of Lewis.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the town of Marion, in Crittenden county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bradley, from the committee on Propositions and Grievances, to whom was referred a bill to provide for an additional Magistrates' and Constable's district, (No. 9.) in Caldwell county, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bradley, from the same committee, to whom were referred the following petitions, viz: 1. The petition of the President and Directors of the Owen county Turnpike Road Company. 2. The petition of sundry citizens of the county of Mercer, relative to the closing of an old road in said county. 3. The petition of the trustees and citizens of the town of New Liberty, asking the passage of a law conferring certain powers on the trustees of said town; asked to be discharged from the further consideration thereof, which was granted.

Ordered, That the 1st and 2nd be referred to the committee on Internal Improvement, and the 3d to the committee on the Judiciary.

The following bills were reported from select committees, viz:

By Mr. Orr—1. A bill to incorporate the town of Sparta, in Owen county.

By Mr. Gholson—2. A bill to authorize the election of a Police Judge, Marshal, and Tax Commissioner, in the town of Columbus.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st be engrossed and read a third time, and the 2nd be referred to the committee on the Judiciary.

The constitutional provision as to the third reading of the 1st bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled, an act making additional voting places, in districts Nos. 3 and 7; and changing the place of voting in district, No. 4, in Greenup county.

Said bill was read a third time.

And the question being taken on the passage of said bill, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McHenry and Preston, were as follows, viz :

Those who voted in the affirmative, were

William Bradley,	John A. Goodson,	John G. McFarland,
Wallace W. Brown,	Ben. Hardin,	Thompson S. Parks,
Radford M. Cobb,	William A. Hooe,	Jefferson Percifull,
John Cunningham,	James W. Irwin,	William Preston,
John L. Elliott,	Lewis L. Mason,	John D. Taylor—16.
Ira Ellis,		

Those who voted in the negative, were

Sidney M. Barnes,	Richard D. Gholson,	James F. Robinson,
William J. Berry,	Walker W. Haley,	John Shawhan,
Henry G. Bibb,	Preston H. Leslie,	Thomas J. Smith,
Thomas J. Blincoe,	Thomas N. Lindsey,	Samuel A. Spencer,
Eli Bozarth,	Martin D. McHenry,	John J. Thomasson,
Abram I. Caldwell,	Reuben Munday,	John C. Walker—19
Joseph S. Conn,		

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled, an act to create an additional election precinct in the 1st and 2nd wards in the city of Louisville.

Mr. Preston moved a reconsideration of the vote by which said bill was ordered to be read a third time, which was decided in the affirmative.

Mr. Preston moved an amendment to said bill, which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title be amended to read, "an act to create an additional election precinct in the 1st, 2nd, and 8th wards in the city of Louisville."

The Senate took up for consideration a bill to create the office of Marshal of Litchfield, in Grayson county.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration the amendments proposed by the House of Representatives, to bills from the Senate, of the following titles, viz :

An act to incorporate the Ohio river, Bedford, and Campbellsburg Plank Road Company.

An act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850.

Which were twice read and concurred in.

Mr. Mason moved a reconsideration of the vote by which the Senate, on the 11th inst., laid on the table a bill from the House of Representatives, entitled, an act to take the sense of the people of Owsley county, for the purpose of changing the county seat of said county.

Ordered, That the consideration of said motion be postponed until Monday next.

A message was received from the Governor, by Mr. Metcalfe, Assistant Secretary of State, announcing that he had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz :

An act to amend the charter the Louisville and Covington Railroad Company.

An act for the benefit of Mahlon Pruden and others.

Mr. Spencer, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and resolutions, which originated in the Senate, of the following titles, viz :

An act to re-establish and re-mark corners of the sectionized lands west of the Tennessee river.

An act to amend an act, entitled, an act to regulate the retailing of ardent spirits.

An act to incorporate the Polish House of Israel.

An act for the benefit of certain school districts in Barren and Monroe counties.

An act to amend an act to encourage the general diffusion of Education.

An act in relation to the records of the Jefferson County Court.

An act declaring the Open Fork of Paint creek and Abbott's creek navigable streams.

An act for the benefit of the Owenton and Ross's Mill Turnpike Road Company.

An act allowing a special term of the Fleming County Court.

Resolution adding Thomas J. Smith to the committee on Banks.

Resolution in relation to the revised statutes.

And enrolled bills and a resolution, which originated in the House of Representatives, of the following titles, viz :

An act for the benefit of the Sheriff of Butler county.

An act for the benefit of the Sheriff of Breathitt county.

An act for the benefit of Elisha Breadding.

An act for the benefit of Joseph Curd, of Jessamine county.

An act declaring Griffey's creek navigable.

An act for the benefit of Kean O'Hara.

An act authorizing William Garrard to build a Fish Dam and Trap across main Licking river.

An act to authorize a change in the state road in Todd county.

An act to incorporate Proctor Division, No. 205, Sons of Temperance.

An act to authorize the clerk of the Logan County Court to transcribe and have re-bound certain record books.

An act to incorporate the town of Lovelaceville, in Ballard county.

An act to amend the several acts regulating the election of trustees of the town of Scottsville.

An act to change the time of holding the court of claims in Bath county.

An act to change the place of voting in the Worthville district in Carroll county.

An act to authorize the clerk of the Henderson County Court to transcribe and index certain records in his office.

An act to change the time of holding the Clinton Circuit Court, and allowing an additional week to the Cumberland Circuit Court.

An act for the benefit of John Wallis.

An act to incorporate the Winchester and Kiddville Turnpike Road Company.

An act for the benefit of the sheriff of Pendleton county.

And had found the same truly enrolled.

Said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Spencer reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz :

On motion of Mr. Gholson—1. A bill to authorize the citizens of Graves county to take a vote upon the propriety of subscribing stock in railroads.

On motion of Mr. Taylor—2. A bill to amend, revise, and reduce into one the several acts incorporating the Maysville and Lexington Railroad Company.

Ordered, That Messrs. Gholson, Spencer, and Berry, prepare and bring in the 1st, and the committee on the Judiciary, the 2nd.

Mr. Lindsey moved the following resolution, viz :

Resolved, That the committee on the Code of Practice be instructed to inquire into the propriety of repealing so much of the Code of Practice, as requires the appointment of examiners to take depositions, and of re-enacting the prior laws upon the subject—that they also inquire into the propriety of repealing so much of the Code, and all laws as require leave of the court to be had before depositions can be taken, and that they report by bill or otherwise, on Tuesday next.

Which was adopted.

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Ordered, That Messrs. Preston and Robinson inform the House of Representatives that the Senate is now ready to proceed to the execution of the joint order of the day, the election of a Senator in Congress.

A message was received from the House of Representatives, announcing that they were ready to proceed to the execution of the joint order of the day, the election of a Senator in Congress; and that the names of Messrs. Dixon, Marshall, Helm, and Meriwether had been withdrawn in that House.

After interchanging nominations, and the ballot had commenced, Mr. Stone moved an adjournment.

The Speaker decided the motion out of order, from which decision Mr. Stone appealed.

Mr. Preston moved the previous question.

The question being taken, "shall the main question be now put?" it was decided in the affirmative, by the vote of the Speaker.

The yeas and nays being required thereon by Messrs. Stone and Gholson were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Ira Ellis,	Martin D. McHenry,
William J. Berry,	Walker W. Haley,	Reuben Munday,
Henry G. Bibb,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	James W. Irwin,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	Thomas N. Lindsey,	John C. Walker—19.
John Cunningham,		

Those who voted in the negative, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
Eli Bozarth,	Lewis L. Mason,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith,
Wallace W. Brown,	Isaac P. Miller,	Samuel A. Spencer,
John L. Elliott,	James P. Orr,	Shelby Stone,
Richard D. Gholson,	Thompson S. Parks,	John J. Thomasson—19.
John A. Goodson,		

The main question was then put, "shall the decision of the chair stand as the judgment of the Senate?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Stone and Brown, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Ira Ellis,	Martin D. McHenry,
William J. Berry,	Walker W. Haley,	Reuben Munday,
Henry G. Bibb,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	James W. Irwin,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	Thomas N. Lindsey,	John C. Walker—19.
John Cunningham,		

Those who voted in the negative, were

Thomas J. Blincoe,	John A. Goodson,	Jefferson Percifull,
Eli Bozarth,	William A. Hooe,	John Shawhan,
William Bradley,	Lewis L. Mason,	Thomas J. Smith,
Wallace W. Brown,	John G. McFarland,	Samuel A. Spencer,
John L. Elliott,	James P. Orr,	Shelby Stone,
Richard D. Gholson,	Thompson S. Parks,	John J. Thomasson—18.

The Senate proceeded to take the vote for Senator in Congress, and it stood thus :

Those who voted for Mr. Thompson, were

Sidney M. Barnes,	John Cunningham,	Martin D. McHenry,
William J. Berry,	Ira Ellis,	Reuben Munday,
Henry G. Bibb,	Walker W. Haley,	William Preston,
Eli Bozarth,	Ben. Hardin,	James F. Robinson,
Abram I. Caldwell,	James W. Irwin,	John D. Taylor,
Radford M. Cobb,	Preston H. Leslie,	John C. Walker—20,
Joseph S. Conn,	Thomas N. Lindsey,	

Those who voted for Mr. Stone, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John Shawhan,
Wallace W. Brown,	John G. McFarland,	Thomas J. Smith,
John L. Elliott,	Isaac P. Miller,	Samuel A. Spencer,
Richard D. Gholson,	James P. Orr,	Shelby Stone,
John A. Goodson,	Thompson S. Parks,	John J. Thomasson—18.

Messrs. Preston and Brown were appointed a committee to compare the joint vote, and report the result.

After a short time Mr. Preston reported that the joint vote stood thus :

For Mr. John B. Thompson,	- - - - -	73
For Mr. Francis P. Stone,	- - - - -	65

Mr. John B. Thompson having received a majority of all the votes given, was declared duly elected Senator in Congress, for six years, from the 4th day of March, 1853.

Bills from the House of Representatives of the following titles, were read the first time, viz :

1. An act to amend an act, entitled, an act further to provide for the collection of tolls on the Kentucky, Green, and Barren rivers.
2. An act authorizing James Haggard to solemnize marriages.
3. An act to prohibit certain officers from trafficking in claims on County Treasuries
4. An act incorporating the Newport and Covington Bridge Company.
5. An act to exempt certain persons from paying toll at the gates on the Lexington and Covington Turnpike Road, in Grant county.
6. An act for the benefit of School district, No. 13, in Kenton county.
7. An act altering School districts, Nos. 55 and 29, in Morgan county.

8. An act for the benefit of certain School districts in Cumberland county.

9. An act regulating the times of holding Circuit Courts in the 10th Judicial district.

10. An act to establish and regulate the width of a certain portion of the road leading from Richmond to Mountsterling.

11. An act allowing an additional Magistrates' and Constable's district in Pulaski county.

12. An act changing the lines of districts in Lewis and Madison counties.

13. An act to prevent the erection of obstructions in Quicksand creek, in Breathitt county.

14. An act to authorize Justices of the Peace to hold inquests in certain cases.

15. An act to incorporate Simpson Lodge, No. 189, of Free and Accepted Masons.

16. An act to change the line between the Tollsburg precinct and James McCormick's precinct, in Lewis county.

17. An act for the benefit of Elizabeth Jones, administratrix of George Jones, deceased.

18. An act for the benefit of the town of Dycusburg, in Crittenden county.

19. An act to amend an act, entitled, an act to incorporate the town of Campbellsville.

20. An act for the benefit of George Emmick.

21. An act to increase the jurisdiction of Justices of the Peace.

22. An act to incorporate the Newport and Maysville Railroad Company.

23. An act authorizing the presiding judge of Kenton county to hold quarterly terms in Covington.

24. An act to incorporate the Kentucky River Navigation Company.

25. An act to authorize the Clarke County Court to subscribe stock in works of Internal Improvement in said county.

26. An act to change the state road leading from Hopkinsville to Clarksville, in Tennessee.

27. An act for the benefit of Samuel Spencer.

28. An act extending the mechanics' lien law to certain counties.

29. An act to change the place of voting in an election precinct in Jefferson county.

30. An act to change a place of voting in Muhlenburg county.

31. An act authorizing the County Court of Wayne to sell the old jail and stray pen lots in Monticello.

32. An act to extend the corporate limits of the city of Newport.

33. An act to charter the town of Mount Olivet, in Nicholas and Bracken counties.

34. An act authorizing the County Judge of Oldham to alter Lagrange district.

35. An act for the benefit of Robert Butler, of Simpson county.

36. An act to repeal an act, entitled, an act to amend the road law in Pendleton county, approved February 25, 1851.

37. An act to give additional power to the Madison County Court.

38. An act for the benefit of H. Woodyard, late sheriff of Grant county.

39. An act for the benefit of Travis Daniel.

40. An act permitting the sale of real estate at the door of the City Hall, in the city of Covington.

41. An act for the benefit of William Meredith.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 3d, 14th, 15th, 17th, 19th, 20th, 21st, 28th, and 40th, to the committee on the Judiciary; the 2d to the committee on Religion; the 4th, 5th, 10th, 13th, 22nd, 24th, 26th, 32d, 33d, and 36th, to the committee on Internal Improvement; the 6th, 7th, and 8th, to the committee on Education; the 9th to the committee on Circuit Courts; the 11th, 12th, 16th, 18th, 27th, 35th, 39th, and 41st, to the committee on Propositions and Grievances; the 23d, 25th, 31st, and 34th, to the committee on County Courts; the 29th and 30th, to the committee on Privileges and Elections; the 37th to the committee on Finance; and the 38th to a select committee, composed of Messrs. Munday, Ellis, and Lindsey.

A resolution from the House of Representatives in reference to a removal of the seat of government, was taken up.

Ordered, That said resolution be referred to the committee on Propositions and Grievances.

And then the Senate adjourned.

MONDAY, DECEMBER 15, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act for the benefit of Samuel T. Ray.

That they had received official information from the Governor, that he had approved and signed enrolled bills which originated in the House of Representatives, of the following titles, viz :

An act for the benefit of Stephen Adams, deputy Sheriff of Clarke county.

An act for the benefit of John Friend and Jacob Fitzpatrick.

An act to amend an act, entitled, an act incorporating the town of Livermore in Ohio county, and for other purposes.

An act authorizing portions of the state road in Kenton county to be closed.

An act authorizing the Ohio County Court to establish a new election precinct, and change the boundaries of others in said county.

An act declaratory of the powers of the city of Lexington to tax Insurance Companies and Lottery Offices.

An act to incorporate Caseyville Lodge, No. 168, of Free and Accepted Masons.

An act to incorporate Clay Lodge, No. 38, Independent Order of Odd Fellows.

An act to incorporate the town of Eminence.

An act to incorporate Pitman Lodge, No. 124.

An act for the benefit of the Sheriff of Garrard county.

An act changing the time of holding the court of claims in Oldham county.

An act for the benefit of the town of Lebanon, in Marion county.

An act for the benefit of persons holding lands lying back of other lands in the vicinity of any of the navigable streams in this State.

An act authorizing a special term of the Fleming Circuit Court.

An act to regulate the duties of Jailers relative to runaway slaves.

An act changing the time of holding the court of claims in Mason county.

Approved December 6, 1851.

The following petitions were presented, viz :

By Mr. Haley—1. The petition of sundry citizens of the county of Pulaski, praying the passage of a law chartering the town of Stylesville.

By Mr. Bibb—2. The petition of sundry citizens of the county of Todd, praying an appropriation of money to aid in colonization purposes.

By Mr. Stone—3. The petition of sundry citizens of Russell county, in relation to the traffic in spirituous liquors.

By Mr. Cunningham—4. The petition of sundry citizens of Bath county, asking an amendment of the charter of the town of Sharpsburg.

Which petitions were received, the reading dispensed with, and re-

ferred—the 1st, 3d, and 4th, to the committee on the Judiciary; and the 2nd to the committee on Finance.

Mr. Cobb, from a select committee, reported a bill for the benefit of Jarvis Jackson, of Laurel county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Spencer, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, viz:

An act allowing appeals from orders of County Courts fixing ferry rates.

An act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approval and signature. After a short time, Mr. Spencer reported that the committee had performed that duty.

Mr. Gholson moved a reconsideration of the vote by which the Senate disagreed to a bill from the House of Representatives, entitled, an act making additional voting places in districts, Nos. 3 and 7, and changing the place of voting in district, No. 4, in Greenup county, which was decided in the affirmative.

Ordered, That said bill be referred to a select committee, composed of Messrs. Elliott, Gholson, and Brown.

Mr. Thomasson moved to take up the motion made by Mr. Mason on the 13th inst., in relation to a bill from the House of Representatives, entitled, an act to take the sense of the people of Owsley county, for the purpose of changing the county seat of said county, which was decided in the affirmative.

Mr. Spencer moved an indefinite postponement of said motion.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Percifull and Stone, were as follows, viz:

Those who voted in the affirmative, were

William J. Berry,
William Bradley,
Radford M. Cobb,
Walker W. Haley,

Preston H. Leslie,
Martin D. McHenry,
Reuben Munday,

James F. Robinson,
Samuel A. Spencer,
John C. Walker—10.

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Those who voted in the negative, were

Sidney M. Barnes,
Henry G. Bibb,
Thomas J. Blincoe,
Eli Bozarth,
Wallace W. Brown,
Joseph S. Conn,
John Cunningham,

Richard D. Gholson,
John A. Goodson,
William A. Hooe,
Thomas N. Lindsey,
Lewis L. Mason,
John G. McFarland,
Isaac P. Miller,

Thompson S. Parks,
Jefferson Percifull,
Thomas J. Smith,
Shelby Stone,
John D. Taylor,
John J. Thomasson—20.

And the question being taken on reconsidering the vote by which said bill was laid on the table, it was decided in the affirmative.

Ordered, That said bill be made the special order of the day for the 17th inst., at 11 o'clock.

Mr. Gholson moved the following resolution, viz :

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their utmost exertions to procure an appropriation of the public lands to aid in the construction of the various railroads now in progress in this Commonwealth.

Resolved, That a copy of the foregoing resolution be forwarded to each of Senators and Representatives in Congress.

The rule of the Senate being dispensed with, said resolution was taken up, and read.

Ordered, That said resolution be placed in the orders of the day.

Mr. McHenry moved the following resolution, viz :

Resolved by the Senate, That during the consideration of the bill to adopt the revised statutes, the following rules shall be observed—

1. The bill shall be considered a chapter at a time.
2. When a chapter is taken up, the amendments reported by the committee shall be considered as pending ; and when they are disposed of, other amendments, if any are offered, will be considered.
3. It shall be in order to move that the vote be taken on any particular amendment or question without debate.
4. The previous question may be moved on any previous amendment which, if stated by the mover to be on the chapter ; and if sustained by the Senate, shall bring the Senate to a direct vote on pending amendments in order, and then on the adoption of the chapter.
5. When pending and proposed amendments to a chapter are disposed of, the question shall be taken on the adoption of the chapter ; and if the chapter is adopted, it shall not be subject to further amendment without a dispensation of the rules.
6. When a chapter is called, if no amendments are reported by the committee, and none offered in the Senate, the chapter shall then be adopted with like effect.

Mr. Leslie moved the following as a substitute to the 3d and 4th sections of said resolution.

Resolved, That pending the report of the committee on the revised statutes, it shall be in order at any time to move to lay upon the table any pending amendments, without having the effect to carry the bill with it ; and that it shall be in order to move the previous question at any time

upon a pending motion, and it shall have the effect of bringing the Senate to a direct vote upon the pending question, and then its effects shall cease.

Which was adopted.

The question was then taken on the adoption of the resolution, as amended, and it was decided in the affirmative.

Mr. Hardin moved the following resolution, viz :

Resolved, That the hour of meeting after this day, shall be nine o'clock, a. m., and at the hour of eleven o'clock the Senate will take up the revised statutes, and consider them until two o'clock.

Which was adopted.

Leave was given to bring in the following bills, viz :

On motion of Mr. Robinson—1. A bill to incorporate the Louisville, Six Mile, and Covington Railroad Company.

On motion of Mr. Taylor—2. A bill for the benefit of Milton Johnson, George Riley, and others.

On motion of Mr. Spencer—3. A bill to legalize the acts of Green county, in regard to the subscription of stock in the Louisville and Nashville Railroad Company, and for other purposes.

On motion of Mr. Stone—4. A bill authorizing the County Court of Russell to sell certain furniture, presses, &c., belonging to the Clerk's office in said county.

On motion of same—5. A bill to allow the County Court of Russell the power to lay and fix an additional levy in said county.

On motion of Mr. Leslie—6. A bill for the benefit of Ben. Hardin, late Secretary of State.

On motion of same—7. A bill providing for the distribution of the acts of the Legislature.

On motion of Mr. Lindsey—8. A bill for the benefit of George Gravit, late Sheriff of Grant county.

On motion of same—9. A bill to establish the town of Bloomington, in Franklin county.

On motion of same—10. A bill to authorize the County Court of Woodford to subscribe stock in a railroad.

On motion of Mr. McHenry—11. A bill to incorporate the Union Agricultural Association of Henry, Shelby, and Oldham counties.

Ordered, That the committee on Internal Improvement prepare and bring in the 1st, 9th, and 10th; the committee on Propositions and Grievances, the 2nd and 8th; the committee on the Judiciary, the 3d and 11th; Messrs. Stone, Haley, and Caldwell, the 4th and 5th; the committee on Finance, the 6th; and Messrs. Leslie, Barnes, and Walker, the 7th.

The Senate resumed the consideration of a bill to revise the statute laws of this State.

Said bill was further amended.

And then the Senate adjourned.

TUESDAY, DECEMBER 16, 1851.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz :

An act to authorize the town of Paducah to subscribe stock in certain railroads.

An act to authorize the County Court of McCracken to subscribe stock in certain railroads.

An act for the benefit of the town of Princeton.

An act regulating the time of holding Magistrates' courts in Barren county.

An act to change Magistrates' districts, No. 1, in Crittenden county, and No. 1, in Madison county.

An act to change the line between the counties of Nicholas and Harrison.

An act establishing an additional Magistrates' and Constable's district in Hancock county.

An act changing the lines of Magistrates' and Constables' districts in Harrison county.

An act to change the line of the Burlington and Taylor's Port precinct, in Boone county.

An act to charter Fleming Division, No. 259, Sons of Temperance.

An act for the benefit of the Louisville and Covington Railroad Company.

An act for the benefit of George F. Hickman.

Mr. McHenry, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act permitting the sale of real estate at the door of the City Hall, in the city of Covington.

An act extending the mechanics' lien law to certain counties.

An act to prohibit certain officers from trafficking in claims on County Treasuries.

An act to authorize Justices of the Peace to hold inquests in certain cases.

An act to incorporate Simpson Lodge, No. 189, of Free and Accepted Masons.

Reported the same, with an amendment to the last named bill, which was concurred in.

Ordered, That said bills be read a third time, the last as amended.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of George Emmick, reported the same with the expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the affirmative.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to increase the jurisdiction of Justices of the Peace, reported the same with the expression of opinion that it ought not to pass.

Mr. Haley moved an amendment to said bill.

After some discussion had thereon, the hour arrived for taking up the orders of the day.

Leave was given to bring in the following bills, viz :

On motion of Mr. Percifull—1. A bill to increase the jurisdiction of County Court Judges.

On motion of Mr. Gholson—2. A bill to establish an additional Magistrates' and Constable's district, in Hickman county.

On motion of same—3. A bill to authorize the Masonic Lodge, No. 120, at Hickman, to hold real estate.

On motion of Mr. Lindsey—4. A bill to incorporate the Franklin Female Institute.

Ordered, That Messrs. Percifull, Cobb, and Haley, prepare and bring in the 1st; Messrs. Gholson, Spencer, and Berry, the 2nd and 3d; and the committee on Education, the 4th.

A message was received from the Governor, by Mr. Meriwether, Sec-

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retary of State, announcing that he had approved and signed an enrolled bill, which originated in the Senate, entitled, an act allowing appeals from orders of County Courts, fixing ferry rates.

Approved December 15, 1851.

A message in writing was received from the Governor, by Mr. Meriwether, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
December 16, 1851. }

Gentlemen of the Senate:

I nominate for your advice and consent, Madison C. Johnson and Benjamin Gratz, to be directors, on the part of the state, in the Lexington and Frankfort Railroad Company; Ambrose Arthur to be gate-keeper on the Wilderness Turnpike Road.

L. W. POWELL.

Ordered, That the Senate advise and consent to said appointments.

The Senate resumed the consideration of the bill to revise the statute laws of this State.

The 12th chapter as amended, reads as follows, viz:

CHAPTER 12.

PUBLIC BUILDINGS.

ARTICLE I.

§ 1. The state librarian shall be ex officio superintendent of the public property of the commonwealth at the seat of government.

1. The superintendent shall have under his care the capitol and all other public property at the seat of government, not placed in the charge of others, and shall protect the same, as far as practicable, from depredation and injury.

2. He shall attend and frequently air, clean, and keep from injury the various rooms, and the carpeting and furniture, in the capitol.

3. He shall keep the keys of the capitol, and of the committee and court rooms therein.

4. He shall keep the public square around the capitol clean and in good order.

5. He shall not permit, during the recess of the general assembly, the senate chamber or the chamber of the house of representatives to be used.

ARTICLE II.

Expenditures.

§ 1. The superintendent of public property shall purchase, under the orders of the governor, from time to time, such furniture as may be required in the capitol, state court rooms, and public offices, and governor's house.

1. He shall, under like orders, cause any of the public buildings, and the fences around the same, to be properly repaired.

2. He shall also contract for and have supplied all the fuel and lights required for the use of the general assembly, secretary's office, the rooms of the auditor, treasurer, register, librarian, and president of the board of public works, and court rooms; but no expenditure shall be approved by the governor, or money paid from the treasury for the same unless it was in compliance with a contract, in writing, first made by the superintendent and approved by the governor.

3. Upon a statement of the expenditures embraced in the section, containing the items, approved and countersigned by the governor, the auditor of public accounts shall issue his warrant on the treasury, for the amount thereof, in favor of the superintendent.

§ 2. When the term of office of the governor expires, or he vacates his office, the superintendent shall take an inventory of all the public property and furniture in the governor's house and outhouses, and deliver the same to the auditor of public accounts, to be preserved in his office.

1. He shall sell such old furniture in the capitol and governor's house and outhouses, and in any of the public offices, as may no longer be fit for use, first obtaining from the governor an order approving of the sale.

2. The proceeds of such sale shall be paid into the public treasury, and an inventory of the articles sold returned to the auditor of public accounts, to be kept in his office.

§ 3. A statement of expenditures for repairs, fuel, water, light, and furniture, containing the items, shall be returned to the governor, and laid before each session of the general assembly and entered on the journals of both houses.

§ 4. Such superintendent shall institute the proper civil procedure in the name of the commonwealth, against any person for any injury or intrusion which may be committed on the public property embraced in this and the preceding articles.

1. The net proceeds recovered shall be paid into the public treasury.

2. The treasurer shall report to the next general assembly the sums thus paid over, and all sums paid to him for articles sold.

ARTICLE III.

Public county buildings.

§ 1. The jailer of each county shall, by virtue of his office, be superintendent of the public square, court house, clerk's office, jail, stray pen, and other public county buildings at the seat of justice.

1. Such superintendent shall have the power, and it shall be his duty, to institute and carry on the appropriate civil procedure in the name of the county, for any injury or intrusion which may be committed on any of the county property named in this article.

2. The net proceeds of any such recovery shall be paid to the county court in aid of the county levy.

§ 2. Each county court, during the period a court house is being built or repaired, may rent another house, not farther than a quarter of a mile from the public square, in which the courts for that county may be holden until the court house is built or repaired.

1. May, in like manner, rent a house within the same distance of the

public square for a clerk's office or jail, during the period of erecting a new one, or the repair of an old one.

2. The rent of any such house shall be paid out of the county levy.

ARTICLE IV.

Penal remedies for injuries to public property.

§ 1. Any person trespassing on any of the public property of the commonwealth, or of a county shall be liable to be presented therefor, and fined at the discretion of a jury, in addition to his civil liability.

1. The net proceeds of a fine for a trespass on the public property of the state shall be paid into the public treasury, and reported by the treasurer to the next general assembly.

2. The net proceeds of the fine for a trespass on the public property of a county shall be paid to the county court, in aid of the county levy.

ARTICLE V.

Colleges and churches.

§ 1. Like remedy, civil and penal, shall be given to the trustees of any college, seminary, school, church, public charity, or house of public worship, against any person for any injury to or intrusion on the buildings or grounds or property attached thereto, as is given for a similar injury or intrusion on the public property of the commonwealth or of a county.

1. The net proceeds of the recovery in any such procedure, civil or penal, shall be paid over to the trustees entitled thereto.

2. A civil action for such injuries shall not be impeded by the death, resignation, or removal of one or more trustees, but the same shall progress as if he or they were still acting.

Mr. Gholson moved further to amend said chapter, by adding to the 4th section of the 2nd article, the following, viz:

But no contracts under the provisions of this chapter shall be made, or work paid for, until an appropriation shall first have been made therefor, upon estimates previously submitted to the Legislature.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. and Gholson and Taylor, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,
William J. Berry,
Henry G. Bibb,
Thomas J. Blincoc,
Eli Bozarth,
William Bradley,

Wallace W. Brown,
Radford M. Cobb,
John L. Elliott,
Richard D. Gholson,
James W. Irwin,
John G. McFarland,

Reuben Munday,
Thompson S. Parks,
Jefferson Percifull,
Thomas J. Smith,
John D. Taylor—17.

Those who voted in the negative, were

Joseph S. Conn,
John Cunningham,
Ira Ellis,

William A. Hooe,
Preston H. Leslie,
Thomas N. Lindsey,

William Preston,
John Shawhan,
Samuel A. Spencer,

John A. Goodson,
Walker W. Haley,
Ben. Hardin,

Lewis L. Mason,
Martin D. McHenry,
Isaac P. Miller,

Shelby Stone,
John J. Thomasson,
John C. Walker—18.

Mr. McHenry moved to adopt the 12th chapter, as amended.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bibb and Gholson, were as follows, viz:

Those who voted in the affirmative, were

William J. Berry,
Joseph S. Conn,
Ira Ellis,
John A. Goodson,
Walker W. Haley,
Ben. Hardin,
William A. Hooe,

Preston H. Leslie,
Thomas N. Lindsey,
Lewis L. Mason,
Martin D. McHenry,
Reuben Munday,
Thompson S. Parks,
William Preston,

John Shawhan,
Thomas J. Smith,
Samuel A. Spencer,
Shelby Stone,
John J. Thomasson,
John C. Walker—20.

Those who voted in the negative, were

Sidney M. Barnes,
Henry G. Bibb,
Thomas J. Blincoe,
Eli Bozarth,

William Bradley,
Wallace W. Brown,
John Cunningham,
John L. Elliott,

Richard D. Gholson,
James W. Irwin,
John G. McFarland,
John D. Taylor—12.

Said bill was further amended.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 17, 1851.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

An act for the benefit of the Sheriff of Graves county.

An act for the benefit of the administrators of James C. Leach, former Sheriff of Livingston county.

An act to establish Tobacco Inspections in the city of Louisville.

An act to establish a Tobacco Inspection at Paducah.

An act to amend an act, entitled, an act for the benefit of the heirs of James and Matthew Wakefield.

An act to empower the city of Newport to convey lot No. 3, in said city.

An act to amend the charter of the town of Danville.

An act for the benefit of William A. Withers.

An act to amend the charter of the Paris and Winchester Turnpike Road Company.

The Speaker laid before the Senate a communication from the Superintendent of Public Instruction.

Said communication was read as follows, viz :

OFFICE OF SUPERINTENDENT
OF PUBLIC INSTRUCTION,

LEXINGTON, December 16, 1851.

To the Speaker of the Senate :

SIR : I have the honor to transmit, herewith, my report—exclusive of the appendix—upon the subject of general education and common schools, as required by law.

Very respectfully,

RO. J. BRECKINRIDGE,

Sup't Public Instruction.

JOHN B. THOMPSON, ESQ.,

Lieutenant Governor and Speaker of the Senate.

Ordered, That the Public Printer print ten thousand copies of said communication and accompanying documents, for the use of the Senate.

The Senate took up for consideration a bill more effectually to suppress the practice of gambling.

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Haley presented the petition of sundry citizens of Pulaski county, praying the passage of a law prohibiting the sale of spirituous liquors reading dispensed with, and referred to the committee on the Judiciary. in the town of Mount Gilead, in said county, which was received, the

Mr. Gholson presented the petition of sundry citizens of the county of Shelby, praying that all foreign phrases should be expunged from the laws of the land.

Said petition was read as follows, viz :

To the honorable, the general assembly of the commonwealth of Kentucky—
greeting :

We, the undersigned citizens of Shelby county, beseech your honorable body to expunge from the statutes of this commonwealth, all Latin, Norman, French, and all other terms and phrases belonging to any dead or foreign language, and in their places insert such common, plain english terms, as will best express the meaning of the terms so expunged ; or to insert in the laws of this commonwealth, immediately after any latin or foreign phrase, the meaning thereof in plain english.

Thomas J. Conner, William Gwyn, Samuel McWilliams,
John Y. Netherton, R. W. Middleton, Allen T. Kirk, David
H. Harbison, John C. Mehonay, (of Jefferson county,) David
Jennings, B. F. Mason, G. W. Mason, J. J. Sanders, R.
T. Robb, Thomas Jefferson Baird, Squire Subor, Wm. B.

Tribble, T. D. Bosyet, G. W. McCampbell, Robert Lawson, John Cardin, James Logan, Charles Conner, J. J. Spelling, H. H. Davis, (of Jefferson county,) J. Jones, Elias Wood, John G. Maddox, George McClintock, A. U. Dumaree, W. A. Bell, A. B. Cee, Marshall Teasly, John Travis, Alves Teasly, James Campbell, Michael Wilson, H. A. Williams, Jesse Robinson, Enoch Webb, D. Conner, L. Conner, J. L. Russell, Robert Mars, A. G. Marshall, T. H. Milligan, O. C. Mershon, J. C. Archer, C. G. Mershon, John R. Russell, Thomas Caplinger, Charles D. Campbell, William Campbell, Toliver Shanks, Corban P. Taylor, William T. Kirk, John Staley, John W. Cowherd, Isaac Houseworth, Milton Martin, William Graves, A. Burton, Will. Atkisson, Will. W. Davis, (p. m.) Samuel M. Long, Milton H. Hawley, Richard K. George, John V. Pemberton, Anthony Middleton, W. Reynolds, Francis Wright, James Teasly, George Bryan, W. H. Watters, A. G. Beckley, J. H. Finley, L. P. Finch, Ben. Martin, E. Wells, Thomas Smith, jr., H. B. Donaldson, Thos. E. C. Kinley, Zimri Tate, Jas. Hughes, R. A. Campbell, John W. Adams, Stephen Pence, Alexander Long, Thomas Collins, J. D. Byers, J. H. McMullin, Ed. Bull, Will. Bryan, D. C. Talbott, (constable,) A. Jones, H. Hunter, Dr. S. Hansbrough, William Montgall, D. B. Bryan, John W. Martin, B. H. Crapster, Frank Keon, Will. Phemister, T. D. Edwards, John Kileman, George E. Loyd, Greenberry Harrison, William Gregg, P. C. Russell, Dr. T. H. Welch, H. M. Frazier, Harvey Shanks, John W. Baker, W. A. Cardin, William Welch, James L. Long, and H. K. Curtis.

Mr. Gholson moved that the petition be referred to the committee on the Judiciary, with instructions to comply with the request of the petitioners.

Mr. Hardin moved to lay said motion and petition on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Brown, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Walker W. Haley,	John G. McFarland,
Henry G. Bibb,	Ben. Hardin,	Martin D. McHenry,
Thomas J. Blincoe,	William A. Hooe,	John Shawhan,
William Bradley,	James W. Irwin,	Samuel A. Spencer,
Joseph S. Conn,	Preston H. Leslie,	John D. Taylor,
John Cunningham,	Thomas N. Lindsey,	John J. Thomasson,
Ira Ellis,	Lewis L. Mason,	John C. Walker—22.
John A. Goodson,		

Those who voted in the negative, were

William J. Berry,	Richard D. Gholson,	Thompson S. Parks,
Eli Bozarth,	Reuben Munday,	Jefferson Percifull—7.
Wallace W. Brown,		

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to increase the jurisdiction of Justices of the Peace.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, justices of the peace in the several counties of this commonwealth, shall have concurrent jurisdiction with the presiding judges of the county courts, and with the circuit courts, *in all matters of contract, whether express or implied, for the payment of money or property,* where the amount in controversy shall not exceed the sum of one hundred dollars in value.

§ 2. That either party may have a right of appeal, in such cases, to the circuit court of the county in which the judgment shall have been given, under the rules and regulations which now are, or hereafter may be prescribed by law for appeals from the judgments of justices of the peace.

The amendment to said bill, proposed by Mr. Haley, is as follows, viz:

§ 1. After the words "circuit courts," in the 4th line, strike out all that part printed in italics, and insert in lieu thereof, the following: "in all contracts expressed in writing, for the payment of money or property."

Mr. Munday moved the previous question.

And the question being taken, "shall the main question be now put?" and it was decided in the affirmative.

The main question was then put, "shall the amendment proposed be adopted?"

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bibb and Smith, were as follows, viz:

Those who voted in the affirmative, were

Eli Bozarth,	James W. Irwin,	Samuel A. Spencer,
John A. Goodson,	Preston H. Leslie,	John D. Taylor,
Walker W. Haley,	Thomas N. Lindsey,	John J. Thomasson,
Ben. Hardin,	Thomas J. Smith,	John C. Walker—13.
William A. Hooe,		

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	Reuben Munday,
William J. Berry,	John L. Elliott,	Thompson S. Parks,
Henry G. Bibb,	Ira Ellis,	Jefferson Percifull,
Thomas J. Blincoe,	Richard D. Gholson,	William Preston,
William Bradley,	Lewis L. Mason,	James F. Robinson,
Wallace W. Brown,	John G. McFarland,	John Shawhan—20
Radford M. Cobb,	Martin D. McHenry,	

The question was then taken on ordering said bill to be read a third time, and it was decided in the negative,

The yeas and nays being required thereon, by Messrs. Gholson and Cunningham, were as follows, viz:

Those who voted in the affirmative, were

William J. Berry,	Radford M. Cobb,	John G. McFarland,
Henry G. Bibb,	John Cunningham,	Thompson S. Parks,
Thomas J. Blincoe,	John L. Elliott,	Jefferson Percifull,
Eli Bozarth,	Ira Ellis,	John Shawhan,
William Bradley,	Richard D. Gholson,	Thomas J. Smith—16.
Wallace W. Brown,		

Those who voted in the negative, were

Sidney M. Barnes,	James W. Irwin,	William Preston,
Joseph S. Conn,	Preston H. Leslie,	James F. Robinson,
John A. Goodson,	Thomas N. Lindsey,	Samuel A. Spencer,
Walker W. Haley,	Lewis L. Mason,	John D. Taylor,
Ben. Hardin,	Martin D. McHenry,	John J. Thomasson,
William A. Hooe,	Reuben Munday,	John C. Walker—18.

So said bill was disagreed to.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled, an act to take the sense of the people of Owsley county, for the purpose of changing the county seat of said county.

Mr. Haley moved an amendment to said bill.

Mr. McHenry moved the previous question.

And the question being taken, "shall the main question be now put," it was decided in the affirmative.

The main question was then put, "shall the amendment be adopted?" and it was decided in the negative.

The question was then taken on ordering said bill to be read a third time, and it was decided in the affirmative.

Ordered, That said bill be read a third time, on to-morrow, at half past ten o'clock.

The Senate resumed the consideration of the bill to revise the statute laws of this State.

The 17th chapter of said bill, as amended, reads:

CHAPTER 17.

STATE LIBRARY

ARTICLE I.

Concerning the Library room, funds, &c.

§ 1. The rooms in the basement story in the capitol, at the left and right hand of the entrance, is hereby set apart for the use of the state library.

§ 2. Five hundred dollars per annum is forever set apart for the gradual increase of the library, to be laid out and expended under the advice and direction of the judges of the court of appeals for the time being.

1. When the librarian shall make and lay before a majority of the

judges of the court of appeals an affidavit that he has that year expended five hundred dollars in the purchase of books, charts, or maps, for the state library, under the advice and direction aforesaid, and giving a schedule thereof, such judges may draw an order on the auditor therefor.

2. Such order may be drawn each year on the production of the proper affidavit and schedule, and shall authorize the auditor to issue his warrant on the treasurer for the amount.

ARTICLE II.

Election of Librarian, and his duties.

§ 1. A state librarian shall be elected, biennially, by the general assembly, whose duty it shall be

1. To attend to, and keep the library room open, every day, (Sundays excepted,) from ten o'clock, a. m., until three o'clock, p. m.

2. To keep the library rooms in order, and to preserve and arrange all the books, charts, maps, and furniture belonging to the state, and to see that no books or other things are taken from the library rooms improperly.

3. To receipt for all books, maps, charts, and furniture placed in the library; which receipt shall be given to the secretary of state, and preserved in his office.

4. The librarian shall note in a book to be kept for that purpose, every book taken from the library, when and by whom taken, and see that the same is returned.

5. He shall report to each session of the general assembly a catalogue of the books in the library, particularly such books as have been purchased by or given to the library since his preceding report.

§ 2. The secretary of state, attorney general, and auditor of public accounts shall be trustees of the state library.

1. They shall see that the librarian properly discharges the duties of his office; and

2. That he makes out and reports to the general assembly a correct catalogue of the books, maps, charts, and furniture on hand, and the condition thereof, at each session.

3. The report shall be signed by the librarian and countersigned by the trustees.

§ 3. The librarian may, in his own name, for the use of the state library, sue any person for a book, or other thing drawn from the library, which he fails to return, or for any damage done to any book or other thing belonging to the library.

§ 4. The librarian shall, from time to time, with the consent of the governor, sell or exchange such portion of the decisions of the court of appeals, acts of assembly, and other books belonging to the state as may be deemed expedient, and out of the proceeds thereof, and of the sums recovered under the next preceding section, he may, with such assent, purchase other books, maps, or charts.

§ 5. The librarian shall keep a correct account of all expenditures for the library, and lay the same before the general assembly at each stated session thereof.

1. He shall number each book by writing the number in figures on the

back thereof, and on the inside of the front lid, beginning with number one, and going up.

2. In numbering the volumes, the full sets of any work must be numbered in succession, and then the broken sets in like manner, except that the missing numbers may be skipped, and they must be numbered when restored.

ARTICLE III.

What books constitute the library.

§ 1. The following books shall constitute a part of the state library, to-wit: all the books now on hand of which there are not exceeding four sets, except the following, of which there shall be the number of sets named: Morehead & Brown's edition of the statutes, fifty sets; the revised statutes, fifty sets; the code of practice, fifty sets; Pirtle's digest, ten sets; five sets of the journals of each of the two houses of congress; of the journals of each house of the general assembly of the state, twenty-five sets; of the acts of each session of congress, twelve sets; of the acts of each session of the general assembly of Kentucky, fifty sets; of the reports of the decisions of the court of appeals, ten sets; and such other books as may be purchased by or given to the library.

ARTICLE IV.

Who may use the books.

§ 1. The following persons may use the books of the state library: members and officers of the general assembly, the state officers whose offices have, by law, to be kept at the seat of government, the judges of the court of appeals, and circuit court for Franklin county, and of the federal court for Kentucky.

§ 2. The use of the books shall be under the responsibilities stated in this chapter.

Mr. Leslie moved further to amend said chapter, as follows, viz:

Article 2, lines 1 and 2. Strike out "whose duty it shall be," and insert the following, viz:

Who, before he enters upon the duties of his office, shall enter into bond, payable to the commonwealth, in the penal sum of five thousand dollars, with two or more securities, to be approved by the Secretary of State, conditioned for the faithful discharge of all the duties imposed, or which shall be imposed upon him by law, which bond shall be filed with and preserved by the Secretary of State, and upon which suit may be prosecuted from time to time, in the name of the commonwealth of Kentucky, for violations thereof, and it shall be his duty.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Leslie and Barnes, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,
William J. Berry,

Ira Ellis,
Richard D. Gholson,

Reuben Munday,
Thompson S. Parks,

Dec. 17.

Dec. 18.]

JOURNAL OF THE SENATE.

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Henry G. Bibb,
William Bradley,
Wallace W. Brown,
Radford M. Cobb,
Joseph S. Conn,
John Cunningham,
John L. Elliott,

John A. Goodson,
Walker W. Haley,
Ben. Hardin,
William A. Hooe,
Preston H. Leslie,
Lewis L. Mason,
John G. McFarland,

William Preston,
James F. Robinson,
John Shawhan,
Thomas J. Smith,
Samuel A. Spencer,
John D. Taylor,
John J. Thomasson—27.

Those who voted in the negative, were

Thomas J. Blincoe,
James W. Irwin,

Thomas N. Lindsey,
Martin D. McHenry,

Jefferson Percifull,
John C. Walker—6.

Said bill was further amended.

And then the Senate adjourned.

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THURSDAY, DECEMBER 18, 1851.

A message was received from the House of Representatives, announcing that they had passed bills and adopted a resolution, of the following titles, viz:

An act to amend the law regulating proceedings in criminal cases.

An act for the benefit of certain school districts in Washington county.

An act to charter the Hamilton and Union Turnpike Road Company.

An act for the benefit of School district No. 20, in Crittenden county.

An act for the benefit of Kirkville district, in Madison county.

An act to establish a School district in Hancock county.

An act to amend an act establishing Morgantown Seminary, in Butler county.

An act for the benefit of School districts Nos. 5 and 8, in Muhlenburg county.

An act to incorporate Albion Female Collegiate Institution.

An act for the benefit of School districts Nos. 19, 23, and 24, in La-rue county.

Resolution requesting Dr. R. J. Breckinridge to deliver an address on the subject of Education.

The following petitions were presented, viz:

By Mr. Bradley—1. The petition of sundry citizens of the county of

Hopkins, praying the establishment of an additional Magistrates' and Constable's district in said county.

By Mr. Irwin—2. The petition of sundry citizens of Logan county, in relation to a change in the Nashville road in said county.

On motion of Mr. Goodson—3. The petition of George Spegal, asking that his residence may, by law, be declared to be in the county of Kenton.

By Mr. Gholson—4. The petition of sundry persons, asking the charter of a railroad from New Orleans to the Ohio river.

By Mr. Parks—5. The petition of sundry citizens of the county of Nicholas, praying the establishment of an additional Magistrates' and Constable's district in said county.

Which petitions were received, the reading dispensed with, and referred; the 1st and 5th to the committee on Propositions and Grievances; the 2nd and 4th to the committee on Internal Improvement; and the 3d to the committee on the Judiciary.

Mr. McHenry, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Elizabeth Jones, administratrix of George Jones, deceased, asked to be discharged from the further consideration of said bill, which was granted.

Ordered, That said bill be referred to the committee on Finance.

The following bills were reported, viz:

By Mr. McHenry, from the committee on the Judiciary, a bill for the benefit of the administrator of Dixon Givens.

By same—A bill to incorporate the Phoenix Insurance Company at Lexington.

By same—A bill to incorporate the Union, Agricultural and Mechanical Association.

By same—A bill to incorporate the town of Sharpsburg.

By same—A bill for the benefit of John Crume.

By same—A bill for the benefit of Alexander Hammond, deceased.

By same—A bill supplemental to an act, entitled, an act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850, and for other purposes.

By same—A bill further to regulate the town of Mount Gilead, in Pulaski county.

By same—A bill to amend the charter of the city of Augusta.

By Mr. Walker, from the same committee, a bill to amend an act to establish the town of Brooklyn, in Campbell county, approved February 27, 1849.

Mr. Bradley, from the committee on Propositions and Grievances, a

bill to enlarge Magistrates' and Constable's district No. 2, in Hopkins county.

By same—A bill to change the boundaries of certain election precincts in Trigg county, and for other purposes.

By same—A bill for the benefit of Milton Johnson and others.

By same—A bill for the benefit of George S. Gravit, late Sheriff of Grant county.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the committee on the Judiciary, to whom were referred bills of the following titles, viz :

1. A bill to authorize the appointment of persons to serve process in the Justices' Court of the city of Louisville.

2. A bill for the benefit of Jarvis Jackson, of Laurel county.

Reported the same, the 1st without, and the 2nd with an amendment.

Ordered, That said bills, the 2nd as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill to require railroad companies and owners of land adjacent thereto, to inclose their roads and lands, reported the same with an amendment, as a substitute for said bill.

Ordered, That said bill and amendment be referred to the committee on Propositions and Grievances.

Mr. McHenry, from the same committee, to whom was referred a bill to amend an act, entitled, an act to provide for the sale of island No. 4, in the Mississippi river, approved February 29, 1848, reported the same without amendment.

Mr. Gholson moved to amend said bill, which was adopted.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Barnes, from the committee on County Courts, to whom were re-

ferred bills from the House of Representatives, of the following titles, viz :

1. An act authorizing the presiding judge of Kenton county to hold quarterly terms in Covington.
2. An act to authorize the Clarke County Court to subscribe stock in works of Internal Improvement in said county.
3. An act authorizing the County Court of Wayne to sell the old jail and stray pen lots in Monticello.
4. An act authorizing the County Judge of Oldham to alter Lagrange district.
5. An act authorizing the Master Commissioners in Chancery to hold the County Courts in certain cases.

Reported the same, the 1st, 2nd, 3d, and 5th without, and the 4th with an amendment, which was concurred in.

Ordered, That the 1st, 2nd, 3d, and 4th, as amended, be read a third time, and that the 5th be placed in the orders of the day.

The constitutional provision as to the third reading of the 1st, 2nd, 3d, and 4th bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Barnes, from the same committee, to whom was referred the petition of sundry citizens of Nicholas county, in relation to an increase of Justices' fees, asked to be discharged from the further consideration thereof, which was granted.

Mr. Bradley from the committee on Propositions and Grievances, to whom were referred bills from the House of Representatives, of the following titles, viz :

1. An act to change the line between the Tollsburg precinct and James McCormick's precinct, in Lewis county.
2. An act changing the lines of districts in Lewis and Madison counties.
3. An act for the benefit of Samuel Spencer.
4. An act allowing an additional Magistrates' and Constable's district in Pulaski county.
5. An act for the benefit of the town of Dycusburg, in Crittenden county.
6. An act for the benefit of Robert Butler, of Simpson county.

Reported the same, the 1st, 2nd, 3d, and 6th without, and the 4th and 5th with amendments, which were concurred in.

Ordered, That the 1st, 2nd, 3d, 4th, and 5th, as amended, be read a third time, and that the 6th be referred to the committee on Finance.

The constitutional provision as to the third reading of the 1st, 2nd, 3d, 4th and 5th bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bradley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Meredith, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That said bill be referred to the committee on the Judiciary.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled, an act to take the sense of the people of Owsley county, for the purpose of changing the county seat of said county.

Said bill was read a third time.

And the question being taken on the passage of said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cobb and Munday, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	John A. Goodson,	Thompson S. Parks,
Henry G. Bibb,	William A. Hooe,	Jefferson Percifull,
Thomas J. Blincoc,	Preston H. Leslie,	James F. Robinson,
Eli Bozarth,	Thomas N. Lindsey,	Thomas J. Smith,
Wallace W. Brown,	Lewis L. Mason,	Samuel A. Spencer,
Joseph S. Conn,	John G. McFarland,	Shelby Stone,
John Cunningham,	Isaac P. Miller,	John D. Taylor,
John L. Elliott,	James P. Orr,	John J. Thomasson—25.
Richard D. Gholson,		

Those who voted in the negative, were

William J. Berry,	Walker W. Haley,	Reuben Munday,
William Bradley,	Ben. Hardin,	William Preston,
Radford M. Cobb,	James W. Irwin,	John Shawhan,
Ira Ellis,	Martin D. McHenry,	John C. Walker—12.

Mr. Bradley, from the committee on Propositions and Grievances, to whom was referred a resolution from the House of Representatives in relation to the removal of the Seat of Government, reported the same with the expression of opinion that it ought to be adopted.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of three members of the House of Representatives, and two from the Senate, be appointed to confer with the mayor and council of the city of Louisville, and ascertain upon what terms suitable buildings and offices can be procured for the officers of state, in the event the seat of Government be removed to Louisville, and report the result.

Mr. Haley moved the following amendment, viz:

And that they also confer with the proper authorities of Danville upon the same subject.

Mr. Lindsey moved the following as an amendment to the amendment proposed by Mr. Haley.

Resolved, further, That the same committee do further inquire of said city authorities, on what terms they will provide suitable buildings for a jail and penitentiary house for the commonwealth, to be located in or near their said city.

Resolved further, That the same committee do also inquire what sums of money, or what amount of property, was offered by the town of Louisville as an inducement to the location of the seat of government there originally, and what amount was offered and given as an inducement for the location of the seat of government at Frankfort.

Resolved further, That the same committee do further inquire of the said city authorities, whether they have provided the ways and means, or ever intend so to do, to pay the commonwealth of Kentucky the bond for \$20,000, with its interest, the payment of which was guarantied by the said city authorities for the Lexington and Ohio railroad company, to the commonwealth in 1839; and if said sum is not intended to be paid in a short period, that said committee do ascertain what legislation, if any, is necessary to enforce collection of said bond from said city authorities.

Mr. Gholson moved to lay said resolution and amendments on the table, which was decided in the negative.

Mr. Bibb moved an indefinite postponement of the resolution and amendments; and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Preston and Stone, were as follows, viz:

Those who voted in the affirmative, were

Henry G. Bibb,	Ben. Hardin,	Thompson S. Parks,
John Cunningham,	Preston H. Leslie,	Jefferson Percifull,
Ira Ellis,	Thomas N. Lindsey,	James F. Robinson,
John A. Goodson,	Martin D. McHenry,	John C. Walker—13.
Walker W. Haley,		

Those who voted in the negative, were

Sidney M. Barnes,	Joseph S. Conn,	William Preston,
William J. Berry,	William A. Hooe,	John Shawhan,
Thomas J. Blincoe,	James W. Irwin,	Samuel A. Spencer,
Eli Bozarth,	Lewis L. Mason,	Shelby Stone,
William Bradley,	Isaac P. Miller,	John D. Taylor,
Wallace W. Brown,	Reuben Munday,	John J. Thomasson—18.

Mr. Stone moved the previous question.

And the question being taken, "shall the main question be now put?" it was decided in the affirmative.

The question was then taken on the adoption of the amendment proposed by Mr. Lindsey, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Lindsey and Stone, were as follows, viz:

Those who voted in the affirmative, were

Henry G. Bibb,
Wallace W. Brown,
John Cunningham,

Ira Ellis,
John A. Goodson,
Ben. Hardin,

Thomas N. Lindsey,
Jefferson Percifull,
James F. Robinson—9.

Those who voted in the negative, were

Sidney M. Barnes,
William J. Berry,
Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Joseph S. Conn,
Walker W. Haley,
William A. Hooe,

James W. Irwin,
Preston H. Leslie,
Lewis L. Mason,
Martin D. McHenry,
Isaac P. Miller,
Reuben Munday,
Thompson S. Parks,

William Preston,
John Shawhan,
Samuel A. Spencer,
Shelby Stone,
John D. Taylor,
John J. Thomasson,
John C. Walker—22.

The question was then taken on the adoption of the amendment proposed by Mr. Haley, and it was decided in the affirmative.

The question was then taken on the adoption of the resolution, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and Miller, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,
William J. Berry,
Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Joseph S. Conn,

Walker W. Haley,
William A. Hooe,
James W. Irwin,
Lewis L. Mason,
Isaac P. Miller,
William Preston,

John Shawhan,
Samuel A. Spencer,
Shelby Stone,
John D. Taylor,
John J. Thomasson,
John C. Walker—18.

Those who voted in the negative, were

Henry G. Bibb,
Wallace W. Brown,
John Cunningham,
Ira Ellis,
John A. Goodson,

Ben. Hardin,
Preston H. Leslie,
Thomas N. Lindsey,
Martin D. McHenry,
Reuben Munday,

James P. Orr,
Thompson S. Parks,
Jefferson Percifull,
James F. Robinson—14.

And then the Senate adjourned.

FRIDAY, DECEMBER 19, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to establish the Enterprise Tanning and Leather Manufacturing Company, of the county of Lewis.

That they had passed bills of the following titles, viz :

An act to authorize the County Court of Hickman to take and hold stock in the Ohio and Mobile Railroad Company.

An act to authorize the town of Columbus to take and hold stock in the Ohio and Mobile Railroad Company.

An act to amend an act incorporating the Richmond Cemetery Company.

An act to amend an act, entitled, an act incorporating the Crab Orchard and Crew's Knob Turnpike Road Company.

An act to allow an additional term of the Harrison Circuit Court.

The following petitions were presented, viz :

By Mr. Hooe—1. The petition of sundry citizens of Mercer county, praying the passage of a law ordering the sale of a certain church.

By Mr. Leslie—2. The petitions of sundry citizens of the county of Barren, in relation to the traffic in spirituous liquors.

By Mr. Cunningham—3. The petition of sundry citizens of Bath county, asking for a charter of a Turnpike Road from Owingsville to Poplar Plains, in Fleming county.

Which petitions were received, the reading dispensed with, and referred—the 1st and 2nd to the committee on the Judiciary, and the 3d to the committee on Internal Improvement.

Bills from the House of Representatives, of the following titles, were reported, viz :

By Mr. Goodson, from the committee on Privileges and Elections—1. An act to change the place of voting in an election precinct in Jefferson county.

By same—2. An act to change a place of voting in Muhlenburg county.

By Mr. Irwin, from the committee on Internal Improvement—3. An act to exempt certain persons from paying toll at the gate on the Lexington and Covington Turnpike Road, in Grant county.

By same—4. An act to extend the corporate limits of the city of Newport.

By same—5. An act to establish and regulate the width of a certain portion of the road leading from Richmond to Mountsterling.

By same—6. An act to charter the town of Mount Olivet, in Nicholas and Bracken counties.

By same—7. An act to repeal an act, entitled, an act to amend the road law in Pendleton county, approved February 25, 1851.

By same—8. An act incorporating the Newport and Covington Bridge Company.

By Mr. Berry, from the same committee—9. An act to change the state road leading from Hopkinsville to Clarksville, in Tennessee.

By same—10. An act to prevent the erection of obstructions on Quick-sand creek, in Breathitt county.

By Mr. Taylor, from the committee on Education—11. An act altering School districts Nos. 55 and 29, in Morgan county.

By same—12. An act to suspend the operation of the law in relation to changing Common School districts, in the county of Christian.

By Mr. Hardin, from the committee on Finance—13. An act for the benefit of H. Woodyard, late Sheriff of Grant county.

By same—14. An act for the benefit of George H. Morrow.

By same—15. An act for the benefit of James H. Godsey, former Sheriff of Johnson county, and George H. Morrow, late Sheriff of McCracken county.

By same—16. An act to amend an act, entitled, an act to amend the revenue laws, approved February 10, 1845.

Reported the same, the first named bills without, and the last with an amendment, which was concurred in.

Ordered, That said bills, the last as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz :

By Mr. Goodson, from the committee on Privileges and Elections—A bill establishing additional voting places in Kenton and Campbell counties.

By Mr. Irwin, from the committee on Internal Improvement—A bill to establish and incorporate the town of Bloomington, in Franklin county.

Also—A bill to incorporate the Franklin Female Institute.

Also—A bill to incorporate the Louisville, Six Mile, and Covington Railroad Company.

By Mr. Taylor, from the committee on Education—A bill for the benefit of School district No. 29, in Owen county.

Also—A bill for the benefit of School districts Nos. 28 and 29, in Mercer county.

By Mr. Mason, from the committee on Military Affairs—A bill allowing public arms to the Kentucky Military Institute, and Western Military Institute.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Speaker laid before the Senate a report of the condition, progress, and affairs of the Kentucky and Louisville Mutual Insurance Company, to the 30th of November 1851, inclusive.

Said report is as follows, viz:

Report of the condition, progress, and affairs of The Kentucky and Louisville Mutual Insurance Company, up to the 30th of November, 1851, inclusive, viz:

Amount insured, 1637 policies, - - - - -	\$ 4,048,907 88	
Deduct amount of policies expired, - - - - -	1,672,599 66	\$ 2,376,308 22
Amount insured on merchandise, 39 policies, - - - - -	\$ 70,660 00	
Deduct amount of policies expired, - - - - -	54,960 00	15,700 00
		\$ 2,392,008 22
Amount of premium notes, - - - - -	\$ 271,265 36 $\frac{3}{4}$	
Deduct amount of premium notes discharged, - - - - -	97,952 90 $\frac{1}{2}$	
	\$ 173,312 46 $\frac{1}{4}$	
Amount received for premiums and fees for policies, - - - - -	\$ 28,044 09 $\frac{1}{2}$	
Am't received for premiums & fees for policies on merchandise, - - - - -	1,888 62 $\frac{1}{2}$	
Amount received for extra premiums for increased risks, - - - - -	600 81	
Amount received for assessments on premium notes, - - - - -	20,741 84	
Amount due to agent, - - - - -	30	\$ 51,275 67
Paid for expenses, - - - - -	\$ 20,585 39	
Paid for losses, - - - - -	24,884 78	
Paid for commissions to agents, - - - - -	860 00 $\frac{1}{2}$	
Due from agents, - - - - -	532 32 $\frac{1}{2}$	
Cash, balance, - - - - -	4,413 17	\$ 51,275 67

BALANCES.

DEBITS.

To bills receivable, - - - - -	\$ 126,163 50 $\frac{1}{2}$
To cash, - - - - -	4,413 17
To commission account, - - - - -	860 00 $\frac{1}{2}$
To expense account, - - - - -	20,585 39
To profit and loss account, - - - - -	24,884 78
To agents accounts, - - - - -	532 32 $\frac{1}{2}$
	\$ 177,439 19 $\frac{1}{2}$

CREDITS.

By premium account, - - - - -	\$ 173,312 46 $\frac{1}{4}$
By extra premium account, - - - - -	600 81
By premium on merchandise account, - - - - -	1,849 63 $\frac{1}{2}$
By policy account, - - - - -	1,637 00
By policies on merchandise account, - - - - -	39 00
By N. S. Andrews, agent, - - - - -	30
	\$ 177,439 19 $\frac{1}{2}$

At a meeting of the President and Directors of the Kentucky and Louisville Mutual Insurance Company, at their office in the city of Louisville, on the 4th December, 1851, the President of this company submitted to the Board a statement of the condition, progress and affairs of said company, which, being approved by the Board, was adopted, and the President is directed to furnish a copy of the same to the General Assembly of this State, agreeably to the requisition of the 22d section of the charter of this company.

[Dec. 19 Dec. 19.]

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\$ 2,376,308 22

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\$ 51,275 67

\$ 126,163 52 1/2

4,413 17

860 00 1/2

20,585 39

24,884 78

532 39 1/2

\$ 177,439 19 1/2

\$ 173,312 46 1/2

600 81

1,849 62 1/2

1,637 00

39 00

30

\$ 177,439 19 1/2

ville Mutual In-
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condition, progress and
the President
ate, agreeably to

OFFICE OF THE KENTUCKY & LOUISVILLE MUTUAL INSURANCE COMPANY,
Louisville, December 16, 1851.

SIR: In obedience to the requisition of the 22d section of the charter of this company, and the order of the Board, I herewith transmit to you the foregoing report of the condition, progress and affairs of this company, from the commencement of their business up to and including the 30th of November last, and request that you will lay the same before the body over which you preside.

I have the honor to be, very respectfully, yours, &c.,

W. H. STOKES, President.

To the honorable the PRESIDENT OF THE SENATE
Of the State of Kentucky, Frankfort.

Ordered, That the Public Printer print 150 copies of said report for the use of the General Assembly.

The following bills were reported from select committees, viz:

By Mr. Hooe—A bill requiring the Clerk of the Mercer Circuit Court to index and cross index the orders of said court.

By same—A bill to allow a Police Judge and Marshal to the town of Cornishville, in Mercer county.

By Mr. Haley—A bill declaring the Somerset Gazette an authorized newspaper.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Speaker, in pursuance of a resolution from the House of Representatives in relation to a removal of the Seat of Government, concurred in by the Senate on yesterday, appointed Messrs. Hardin and Robinson a committee on the part of the Senate.

Mr. Taylor, from the committee on Education, to whom was referred leave to bring in a bill to increase the school fund, asked to be discharged from the further consideration thereof.

Mr. McHenry moved that the leave be recommitted to the committee on Education, with instructions to report a bill in pursuance of the leave.

Mr. Preston moved a division of the question.

The question was taken on recommitting the leave, and it was decided in the affirmative.

The question was then taken on instructing the committee to report a bill, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Brown and Bozarth, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,
William J. Berry,
Eli Bozarth,

Walker W. Haley,
Preston H. Leslie,
Thomas N. Lindsey,

Reuben Munday,
Jefferson Percifull,
James F. Robinson,

Wallace W. Brown,
Radford M. Cobb,
Joseph S. Conn,

John G. McFarland,
Martin D. McHenry,

Samuel A. Spencer,
Shelby Stone—16.

Those who voted in the negative, were

Henry G. Bibb,
Thomas J. Blincoe,
William Bradley,
John Cunningham,
John A. Goodson,
Ben. Hardin,

William A. Hooe,
James W. Irwin,
Lewis L. Mason,
James P. Orr,
Thompson S. Parks,
William Preston,

John Shawhan,
Thomas J. Smith,
John D. Taylor,
John J. Thomasson,
John C. Walker—17.

Mr. Hardin, from the committee on Finance, to whom was referred the petition of Charles Price, of Larue county, asking the privilege of vending spirituous liquors without license, asked to be discharged from the further consideration thereof, which was granted.

On motion of Mr. Lindsey, leave was given to bring in a bill for the benefit of Asabel Carl.

Ordered, That the committee on Propositions and Grievances prepare and bring in the same.

Mr. Preston, from a select committee appointed to take charge of the Code of Practice, and make report thereon, reported "a bill to amend the Code of Practice," which was read a first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Preston moved sundry amendments to said bill.

Ordered, That said bill and amendments be placed in the orders of the day, and that the Public Printer print 150 copies of said bill and amendments for the use of the members of the General Assembly.

Mr. Leslie, from the committee on Banks, to whom was referred a bill authorizing Free Banking in the Commonwealth of Kentucky, reported the same with amendments.

After some discussion had thereon,

The Senate adjourned.

SATURDAY, DECEMBER 20, 1851.

Mr. Irwin presented the petition of J. W. and John F. First, praying to be indemnified for losses sustained by slackwater navigation; which petition was received, the reading dispensed with, and referred to the committee on Internal Improvement.

The Senate resumed the consideration of a bill and amendments reported thereto, from the committee on Banks, authorizing free banking in this Commonwealth.

Ordered, That said bill and amendments be placed in the orders of the day, and that the Public Printer print 150 copies thereof for the use of the members of the General Assembly.

Mr. McHenry, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Meredith, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was re-committed a bill more effectually to suppress the practice of gambling, reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Shawhan and Brown, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,
Henry G. Bibb,
Eli Bozarth,
Wallace W. Brown,
Joseph S. Conn,
Richard D. Gholson,
John A. Goodson,

Walker W. Haley,
James W. Irwin,
Preston H. Leslie,
Thomas N. Lindsey,
Lewis L. Mason,
John G. McFarland,
Martin D. McHenry,

Reuben Munday,
Thompson S. Parks,
James F. Robinson,
Thomas J. Smith,
Samuel A. Spencer,
John J. Thomasson,
John C. Walker—21.

Those who voted in the negative, were

Thomas J. Blincoc,
William Bradley,
Radford M. Cobb,

Isaac P. Miller,
Jefferson Percifull,
John Shawhan,

Shelby Stone,
John D. Taylor—8.

Mr. McHenry, from the same committee, reported bills of the following titles, viz :

A bill to add the residence of George Spegall, in Pendleton county, to the county of Kenton.

A bill calling a convention in the city of Newport.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin, from the committee on Internal Improvement, reported a bill to authorize the New Orleans, Jackson, and Northern Railroad Company, to extend their railroad from the South boundary line of the State of Kentucky to the Ohio and Tennessee rivers, within certain prescribed limits, therein named, in this State; which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be made the special order of the day for Tuesday next, at half past ten o'clock.

Mr. Preston, from the committee on Federal Relations, reported the following joint resolutions, viz:

As the advancing wealth, commerce, and population of the valley of the Ohio require that a proper channel should be afforded for the transport of its products to the markets of the south-west, and that the canal around the falls of the Ohio, at Louisville, does not, from the circumstances of its ownership and construction, afford a free navigation of the Ohio river. Therefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That our Senators in Congress be instructed, and our Representatives requested, to use such means as may be necessary to cause the private stock in the Louisville and Portland canal to be extinguished, and the canal itself to be enlarged, so as to secure free navigation to the largest vessels that are engaged in the commerce of the river Ohio.

2. *Resolved*, That the Governor be requested to transmit copies of these resolutions to each of our Senators and Representatives in Congress.

The rule of the Senate being dispensed with, said resolutions were taken up, twice read, and unanimously adopted.

Mr. Munday, from a select committee, to whom was referred a bill from the House of Representatives, entitled, an act to give additional power to the Madison County Court, reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Gholson, from a select committee, to whom was referred a bill from the House of Representatives, entitled, an act making additional voting places in districts Nos. 3 and 7, and changing the place of voting in district No. 4, in Greenup county, reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title be amended to read, "an act making additional voting precincts, and changing the place of voting in district No. 4, in Greenup county."

The following bills were reported from select committees, viz:

By Mr. Gholson—1. A bill to incorporate Mills Point Lodge, No. 120, of Free and Accepted Masons.

By same—2. A bill to create an additional Constable's and Justices' district in Hickman county.

By same—3. A bill to authorize the County Court of Graves to hold railroad stock.

By Mr. Leslie—4. A bill for the benefit of Monroe county.

By Mr. Percifull—5. A bill to increase the jurisdiction of County Judges.

By Mr. Stone—6. A bill authorizing the County Court of Russell county to lay an additional tax on said county.

By same—7. A bill to authorize the Russell County Court to sell Clerk's office furniture.

Which bills were read the 1st time, and ordered to be read a 2d time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st, 2nd, 3d, 4th, 6th, and 7th, be engrossed and read a third time, and that the 5th be placed in the orders of the day.

The constitutional provision as to the third reading of the 1st, 2d, 3d, 4th, and 6th bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Governor, by Mr. Meriwether, Secretary of State, announcing that he had approved and signed enrolled bills and resolutions, which originated in the Senate, of the following titles, viz:

An act for the benefit of certain School districts in Barren and Monroe counties.

An act to amend an act to encourage the general diffusion of Education.

An act declaring the Open Fork of Paint creek and Abbott's creek navigable streams.

An act for the benefit of the Owenton and Ross's Mill Turnpike Road Company.

An act to amend an act, entitled, an act to regulate the retailing of ardent spirits.

An act in relation to the records of the Jefferson County Court.

An act allowing a special term of the Fleming County Court.

An act to incorporate the Polish House of Israel.

An act to re-establish and re-mark corners of the sectionized lands west of the Tennessee river.

Resolution adding Thomas J. Smith and Samuel Hatfield to the committee on Banks.

A resolution requiring the committee on the Judiciary in the Senate, and the committee on the Revised Statutes in the House of Representatives, to act as a joint committee on the Revised Statutes.

Approved December 13, 1851.

An act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850.

Approved December 15, 1851.

Leave was given to bring in the following bills, viz :

On motion of Mr. Percifull—1. A bill to change the State Road in Knox county.

On motion of Mr. Robinson—2. A bill to amend an act, entitled, an act regulating divorces in this Commonwealth, approved March 2, 1843.

On motion of same—3. A bill to amend the charter of the Covington and Lexington Railroad Company.

On motion of same—4. A bill to amend an act, entitled, an act to incorporate the Georgetown and Louisville Branch Railroad.

On motion of Mr. Haley—5. A bill to charter a Railroad from Danville, by way of Somerset, to the Tennessee line, in the direction of Knoxville.

On motion of Mr. Conn—6. A bill to incorporate the Commercial Bank of Paducah.

On motion of Mr. McFarland—7. A bill to authorize Daviess and other counties to subscribe stock in certain Railroads.

On motion of Mr. Cobb—8. A bill for the benefit of Arthur Ambrose, of Knox county.

On motion of Mr. Spencer—9. A bill to change the lines of district No. 3, in Green county.

On motion of Mr. Shawhan—10. A bill to change the time of holding Justices' Courts in Bracken county.

On motion of Mr. Goodson—11. A bill to amend the charter of the Covington and Lexington Railroad Company.

Ordered, That Messrs. Percifull, Cobb, and Mason, prepare and bring in the 1st; the committee on the Judiciary, the 2d and 9th; the committee on Internal Improvement, the 3d, 4th, 5th, and 11th; Messrs. Conn, Hooe, and Ellis, the 6th; Messrs. McFarland, Berry, and Walker, the 7th; the committee on Finance, the 8th; and Messrs. Shawhan, Leslie, and Goodson, the 10th.

Mr. Gholson moved to dispense with the regular order of business, for

the purpose of taking up the apportionment bill, and making it the special order every day at 3 o'clock until disposed of.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gholson and Brown, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Richard D. Gholson,	Thomas J. Smith,
Thomas J. Blincoe,	Preston H. Leslie,	John D. Taylor—8.
Wallace W. Brown,	Jefferson Percifull,	

Those who voted in the negative, were

Sidney M. Barnes,	Walker W. Haley,	Thompson S. Parks,
Henry G. Bibb,	James W. Irwin,	William Preston,
Eli Bozarth,	Thomas N. Lindsey,	James F. Robinson,
William Bradley,	John G. McFarland,	John Shawhan,
Radford M. Cobb,	Martin D. McHenry,	Samuel A. Spencer,
Joseph S. Conn,	Isaac P. Miller,	Shelby Stone,
Ira Ellis,	Reuben Munday,	John J. Thomasson,
John A. Goodson,	James P. Orr,	John C. Walker—24.

Mr. Preston read and laid on the table the following resolution, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will take a recess from 12 o'clock m., on the 23d of December, 1851, to the 9th of January, 1852, inclusive, and that the days included shall not be computed as part of the session of sixty days, nor shall pay be received by the members during the recess.

Mr. Irwin moved to dispense with the rule requiring a joint resolution to lie one day on the table.

And the question being taken thereon, it was decided in the negative, two-thirds not voting therefor.

The yeas and nays being required thereon, by Messrs. Gholson and Preston, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Preston H. Leslie,	Jefferson Percifull,
Thomas J. Blincoe,	Thomas N. Lindsey,	William Preston,
Joseph S. Conn,	Lewis L. Mason,	John D. Taylor,
Walker W. Haley,	Martin D. McHenry,	John J. Thomasson,
William A. Hooe,	Isaac P. Miller,	John C. Walker—17.
James W. Irwin,	Reuben Munday,	

Those who voted in the negative, were

William J. Berry,	Radford M. Cobb,	John G. McFarland,
Henry G. Bibb,	Richard D. Gholson,	Thompson S. Parks,
Eli Bozarth,	John A. Goodson,	John Shawhan,
William Bradley,	Ben. Hardin,	Samuel A. Spencer—12.

Mr. Spencer, from the committee on Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the Senate, of the following titles, viz :

An act to incorporate the Ohio River, Bedford, and Campbellsburg Plank Road Company.

An act to provide for the construction of a levee from the town of Hickman to the Tennessee line.

Resolution fixing the day for the election of the Public Officers.

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the Sheriff of Jessamine county.

An act to incorporate the town of Marion, in Crittenden county.

An act to take the sense of the people of Owsley county, for the purpose of changing the county seat of said county.

An act to incorporate the Mountsterling, Kiddville, Red River Iron Works and Irvine Turnpike Road Company.

An act to prohibit certain officers from trafficking in claims on County Treasuries.

An act to amend the charter of the town of Clayvillage, in Shelby county.

An act changing the lines of districts in Lewis and Madison counties.

An act to authorize Justices of the Peace to hold inquests in certain cases.

An act to change the line between the Tollsburg precinct and James McCormick's precinct, in Lewis county.

An act for the benefit of George Emmick.

An act authorizing the presiding judge of Kenton county to hold quarterly terms in Covington.

An act to authorize the Clarke County Court to subscribe stock in works of Internal Improvement in said county.

An act for the benefit of Samuel Spencer.

An act extending the mechanics' lien law in certain counties.

An act authorizing the County Court of Wayne to sell the old jail and stray pen lots in Monticello.

An act permitting the sale of real estate at the door of the City Hall, in the city of Covington.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approval and signature. After a short time, Mr. Spencer reported that the committee had performed that duty.

Bills from the House of Representatives of the following titles, were read the first time, viz:

1. An act for the benefit of the Sheriff of Graves county.
2. An act to amend the law regulating proceedings in criminal cases.

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3. An act to authorize the town of Paducah to subscribe stock in certain railroads.

4. An act for the benefit of certain school districts in Washington county.

5. An act to authorize the County Court of McCracken to subscribe stock in certain railroads.

6. An act for the benefit of the Kentucky School of Medicine.

7. An act authorizing the trustees of Russellville to tax nine and ten pins.

8. An act for the benefit of William Alexander.

9. An act to charter the Hamilton and Union Turnpike Road Company.

10. An act for the benefit of the town of Princeton.

11. An act to authorize the County Court of Hickman to take and hold stock in the Ohio and Mobile Railroad Company.

12. An act to authorize the town of Columbus to take and hold stock in the Ohio and Mobile Railroad Company.

13. An act for the benefit of Samuel T. Ray.

14. An act regulating the time of holding Magistrates' courts in Barren county.

15. An act to change Magistrates' districts, No. 1, in Crittenden county, and No. 1, in Madison county.

16. An act to change the line between the counties of Nicholas and Harrison.

17. An act establishing an additional Magistrates' and Constable's district in Hancock county.

18. An act changing the lines of Magistrates' and Constables' districts in Harrison county.

19. An act to change the line of the Burlington and Taylor's Port election precinct, in Boone county.

20. An act to charter Fleming Division, No. 259, Sons of Temperance.

21. An act for the benefit of the Louisville and Covington Railroad Company.

22. An act for the benefit of George F. Hickman.

23. An act for the benefit of the administrator of James C. Leach, former Sheriff of Livingston county.

24. An act to establish Tobacco Inspections in the city of Louisville.

25. An act to establish a Tobacco Inspection at Paducah.

26. An act to amend an act, entitled, an act for the benefit of the heirs of James and Matthew Wakefield.

27. An act to empower the city of Newport to convey lot No. 3, in said city.

28. An act to amend the charter of the town of Danville.
29. An act for the benefit of William A. Withers.
30. An act to amend the charter of the Paris and Winchester Turnpike Road Company.
31. An act for the benefit of School district No. 20, in Crittenden county.
32. An act for the benefit of Kirksville district school, in Madison county.
33. An act to establish a School district in Hancock county.
34. An act to amend an act establishing Morgantown Seminary, in Butler county.
35. An act for the benefit of School districts Nos. 5 and 8, in Muhlenburg county.
36. An act to incorporate Albion Female Collegiate Institute.
37. An act for the benefit of School districts Nos. 19, 23, and 24, in Laclede county.
38. An act to amend an act incorporating the Richmond Cemetery Company.
39. An act to amend an act, entitled, an act incorporating the Crab Orchard and Crew's Knob Turnpike Road Company.
40. An act to allow an additional term of the Harrison Circuit Court.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 6th and 8th be read a third time; that the 1st, 23d, and 26th, be referred to the committee on Finance; the 2d, 20th, 24th, 27th, 28th, 29th, and 38th, to the committee on the Judiciary; the 3d, 5th, 7th, 9th, 11th, 12th, 21st, 30th, and 39th, to the committee on Internal Improvement; the 4th, 32d, 33d, 34th, 35th, 36th, and 37th, to the committee on Education; the 10th, 13th, 15th, 16th, 17th, 18th, 19th, 22d, and 31st, to the committee on Propositions and Grievances; the 14th, to the committee on County Courts; the 25th, to the committee on Agriculture and Manufactures; and the 40th, to the committee on Circuit Courts.

The constitutional provision as to the third reading of the 6th and 8th bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A resolution from the House of Representatives, requesting Dr. R. J. Breckinridge to deliver an address on the subject of Education, was taken up and referred to the committee on Education.

The Senate resumed the consideration of the bill to revise the statute laws of this State.

The 22d chapter of said bill, as amended, reads as follows, viz:

CHAPTER 22.

COURTS.

ARTICLE I.

COURT OF APPEALS.

Concerning its jurisdiction.

§ 1. The court of appeals shall have jurisdiction, by appeal or writ of error, in matters of law, from the final order, judgment, or decree of any inferior court, except as otherwise provided in this chapter.

No appeal shall lie unless where the order, judgment, or decree relates to an office, franchise, or freehold, or is against a divorce, if the matter in controversy does not amount, in value, to one hundred dollars, exclusive of interest and cost.

1. No writ of error or appeal shall lie in cases of felony; nor from a judgment under the acts concerning riots, routs, unlawful assemblies, and disturbances of religious worship; nor from a judgment, order, or decree from which an appeal is allowed to the circuit or county court; nor to a judgment of the county court disposing of an appeal thereto; nor from an order or judgment of any court punishing a contempt; nor from the judgment of a justice of the peace or the presiding judge of a county; nor from the judgments in any case of any tribunal not having jurisdiction in such cases beyond that of a justice.

2. No writ of error shall lie to a bond not having the force of a judgment.

ARTICLE II.

General provisions.

§ 1. The court of appeals has power to administer oaths, punish contempts, make rules for the government of its proceedings, not contrary to law or the constitution.

§ 2. A judge of the court of appeals shall have the power to reinstate attachments, injunctions, and restraining orders.

ARTICLE III.

Concerning Appellate Judicial Districts.

§ 1. The state is divided into four appellate judicial districts, as follows:

1. The first district shall be composed of the counties of Mason, Nicholas, Bourbon, Clarke, Madison, Rockcastle, Lewis, Fleming, Bath, Montgomery, Estill, Laurel, Whitley, Harlan, Knox, Clay, Owsley, Letcher, Perry, Breathitt, Morgan, Lawrence, Carter, Greenup, Johnson, Floyd, Pike, and Polaski.

2. The second district shall be composed of the counties of Bracken, Pendleton, Campbell, Kenton, Boone, Gallatin, Carroll, Trimble, Henry, Owen, Grant, Harrison Scott, Fayette, Jessamine, Garrard, Boyle, Mercer, Anderson, Franklin, Woodford, Shelby, and Oldham.

3. The third district shall be composed of the counties of Jefferson, Bullitt, Nelson, Spencer, Hardin, Meade, Larue, Hart, Barren, Monroe, Cumberland, Clinton, Wayne, Russell, Casey, Lincoln, Washington, Marion, Taylor, Green, and Adair.

4. The fourth district shall be composed of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Calloway, Marshall, Livingston,

Crittenden, Union, Hopkins, Caldwell, Trigg, Todd, Logan, Simpson, Warren, Allen, Christian, Henderson, Muhlenburg, Daviess, Ohio, Butler, Edmonson, Hancock, Grayson, and Breckinridge.

ARTICLE IV.

Concerning special Judges.

§ 1. Whenever a majority of the judges cannot sit on the trial of a cause or causes pending in said court, for the reasons prescribed in the constitution, the governor shall select a judge or judges from the members of the bar, or circuit judges of the state, to act with the other judges, as the court, in hearing or deciding such cause or causes; the court shall appoint a day for the trial of such cause or causes; and the court, so organized, may meet and adjourn from day to day, until it disposes of its business.

§ 2. If any of the special judges, so selected, refuse or fail to act, the vacancy may be supplied in like manner.

§ 3. When it becomes necessary to select judges, as provided in the last preceding section, the court shall make an entry of the fact on its record and cause a copy of it to be delivered to the governor, who shall, thereupon, select and commission special judges for the occasion, and cause their commissions to be delivered to them; and the clerk shall notify the persons selected of the time fixed for the trial of the cause or causes.

§ 4. The parties may select the judge or judges provided for in the preceding section, or permit any one of the judges of the court of appeals to make the selection; and the judges so selected may proceed to act without commission.

§ 5. Every judge of the court of appeals, and every person selected for the trial of special causes, before he enters on the discharge of his duties, must, in addition to the oaths prescribed in the constitution, take the following oath:

I, A. B., do solemnly swear, (or affirm,) that I will administer justice, without respect to persons, and do equal right to the poor and to the rich; and I will faithfully and impartially discharge all the duties incumbent on me as a judge of the court of appeals, according to the best of my ability.

§ 6. The commissions of judges, the selection of temporary judges, the reason for such selection, and the fact that the requisite oaths have been taken, must be entered on the order book of the court.

ARTICLE V.

Concerning its proceedings.

§ 1. The writs and process, and mode of proceeding in the court of appeals, as now established, shall remain until changed or abolished by rule or order of court.

§ 2. No suit, process, matter, or thing returned to or pending in the court of appeals, shall be discontinued, although a quorum of the judges may fail to attend at the commencement, or on any other day of a term.

§ 3. If a quorum of the judges do not attend on the first day of the term, the court shall stand adjourned from day to day for ten days, unless a quorum sooner attend. If, for any cause, the court does not sit on any day of a term, the court shall not be thereby adjourned, but may meet

again and proceed to business on any other day prior to the next succeeding term.

§ 4. The court may adjourn from time to time to suit its convenience, not beyond the commencement of the next regular term; and if, from any cause, a quorum be not present, the judge or judges in attendance may so adjourn. The period of such adjournment shall not be computed, under the rules of the court, a part of the term.

§ 5. All process issued from the court shall bear teste in the name of the clerk.

§ 6. The decisions of the court must be so written as to show the governing principles thereof, except in cases involving matter of fact only.

The courts must deliver written opinions on all motions made in the court, which involve any principle of law or rule of practice not previously settled by the court and reported.

§ 7. The court shall annually appoint one of the judges thereof to inspect the clerk's office of the court, and to report its condition to the next term thereof; which report shall be placed on the records of the court, and such action taken thereon as may seem proper.

§ 8. If the court is equally divided in the decision of a cause, the judgment, decree, or order of the inferior court, is to stand affirmed.

§ 9. The court shall annually hold two terms, commencing on the first Mondays in June and December, and shall sit sixty juridical days at each term, and longer, if the business require it.

ARTICLE VI.

Concerning the reporting of its decisions.

§ 1. The court of appeals shall, biennially, appoint a reporter of its decisions.

1. The appointment must be entered on its records.

2. The court shall direct to be published such decisions delivered by them, as settle new or doubtful questions.

§ 2. The reporter shall have the decisions of the court printed in letters and on paper of a proper size and of superior quality.

§ 3. The reporter shall be allowed by the state after the rates of one dollar for every hundred pages of the decisions, tables, and indexes so printed and well bound in calf skin, with good indexes and marginal notes.

1. The court must certify that the work meets their approbation, and was published by their consent.

2. Upon the deposit of two hundred copies of a volume of reports so published, with the secretary of state, the secretary shall draw an order on the auditor of public accounts for the price, which shall authorize the auditor to issue a warrant on the public treasury for such price.

ARTICLE VII.

CIRCUIT COURTS.

Their appellate jurisdiction.

§ 1. Appeals and writs of error lie from the decisions of county courts to the circuit court of the same county in all controversies concerning the establishing, alteration, or discontinuance of ferries, roads, and pass-ways, and in all cases concerning the probate of wills, and from orders

concerning mills or water works, and from orders refusing or allowing dams to be built across water courses.

§ 2. Appeals lie to the circuit court from the decisions of the quarterly courts, and of justices of the peace, and of other tribunals having the like civil jurisdiction as justices of the peace, in all civil cases where the amount in controversy, exclusive of interest and costs, is sixteen dollars and upwards; and in all actions of trespass, and trespass on the case, before justices of the peace, the party aggrieved shall have the right of appeal to the circuit court of the county in which the case is tried.

ARTICLE VIII.

Original jurisdiction.

§ 1. The circuit court has original jurisdiction of all matters, both in law and equity, within its county, of which jurisdiction is not, by law, exclusively delegated to some other tribunal; and has all power necessary to carry into effect the jurisdiction given.

ARTICLE IX.

Power of Circuit Judges out of court.

§ 1. Each circuit judge shall be a conservator of the peace throughout the state.

And he may grant writs of error *coram vobis, et nobis*.

ARTICLE X.

Concerning judicial districts.

§ 1. The state is divided into twelve circuit court judicial districts, as follows:

First District.—Fulton, Hickman, McCracken, Graves, Calloway, Marshall, Livingston, Crittenden, and Ballard.

Second District.—Caldwell, Trigg, Christian, Todd, Hopkins, Union, and Henderson.

Third District.—Daviess, Hancock, Ohio, Grayson, Breckinridge, Meade, Hardin, Muhlenburg, and Larue.

Fourth District.—Butler, Logan, Simpson, Allen, Monroe, Barren, Hart, Edmonson, and Warren.

Fifth District.—Cumberland, Clinton, Wayne, Pulaski, Casey, Lincoln, Taylor, Green, Adair, and Russell.

Sixth District.—Bullitt, Jefferson, Spencer, and Shelby.

Seventh District.—Nelson, Washington, Marion, Mercer, Boyle, Garrard, and Anderson.

Eighth District.—Oldham, Henry, Trimble, Carroll, Owen, Gallatin, Boone, Grant, and Kenton.

Ninth District.—Campbell, Pendleton, Mason, Bracken, Nicholas, Harrison, Bourbon, and Scott.

Tenth District.—Bath, Fleming, Lewis, Greenup, Carter, Lawrence, Montgomery, and Morgan.

Eleventh District.—Franklin, Woodford, Jessamine, Fayette, Madison, Estill, and Clarke.

Twelfth District.—Rockcastle, Knox, Harlan, Laurel, Whitley, Clay, Perry, Owsley, Letcher, Breathitt, Floyd, Pike, and Johnson.

ARTICLE XI.

Concerning the time of holding courts.

§ 1. A circuit court shall be holden at the court house in each of the counties in the state. It shall be a court of record. The terms shall be holden at the times required by law.

§ 2. When the business of the court may require it, the judge, by order of the court, shall extend the time of such court, when it can be done without interfering with any other term of a court in his district.

ARTICLE XII.

Concerning special terms.

§ 1. When the business requires it, a circuit judge may hold a special term in any county in his district for the trial of chancery, penal, or criminal causes, or either. Preparatory steps and interlocutory orders may be taken in any civil cause, at any stated or special term for the trial of chancery, criminal, or penal causes.

1. The judges may, in term time, or in vacation, order a grand and petit jury to be impaneled at any special term.

2. If the order be made in vacation for a special term, notice thereof shall be posted up at the court house door, ten days before the commencement, and parties to a suit may agree that the court shall hold a special term for the trial of such suit without notice.

3. All orders for or concerning a special term must be entered on the records of the court.

ARTICLE XIII.

Concerning special Judges.

§ 1. When, from any cause, the judge of the circuit court fails to attend, or if in attendance, cannot properly preside in a cause or causes pending in such court, the attorneys of the court who are present, shall elect one of its members then in attendance, to hold the court for the occasion, who shall accordingly preside and adjudicate.

1. The election shall be held by the clerk, and in case of a tie, he shall give the casting vote.

2. The person elected shall, during the period that he acts, have all the powers and be liable to all the responsibilities of a circuit judge.

3. He shall be paid for his services a sum bearing the same proportion to the salary of the circuit judge as the time he may serve shall bear to the whole number of juridical days in said circuit.

4. The period of service must be certified by the clerk to the auditor of public accounts, who shall ascertain the amount and draw his warrant on the treasury therefor; and the same shall be deducted from the judge's salary.

5. If the person first elected to act as judge *pro tempore* fails or refuses to act, or cannot properly preside, another election shall be held, in like manner, from time to time, until a suitable person is chosen who can and will preside.

6. Or the parties may agree upon an individual to preside, and the person agreed on shall have the same power and be paid in the same manner as if elected by the bar.

§ 2. Every judge of the circuit court, and every special judge, before

entering on the discharge of his duties, must, in addition to the oaths prescribed by the constitution, take an oath as follows :

I, A. B., do solemnly swear, (or affirm,) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge all the duties incumbent upon me as a judge, according to the best of my abilities.

§ 3. The commissions of judges, the selection of temporary judges, the reason of such selection, and the fact that the requisite oaths have been taken, must be entered on the order book of the court.

ARTICLE XIV.

Duties of the Court.

§ 1. If a court does not sit at any term, or does not continue to sit the whole term, or shall not, before the end of the term, have heard and determined all the causes pending in court, the causes on the docket, or such of them as are not disposed of, shall stand continued until the succeeding term, without any special order or fee to the clerk for such continuance.

§ 2. If, after a court has been opened at any term, it does not, from any cause, sit on any day of the term, there shall be no discontinuance of the court, or of the suits pending in the court ; but so soon as the cause is removed the court may proceed to business until the end of the term, if the business require it.

ARTICLE XV.

CONCERNING THE FRANKLIN CIRCUIT COURT.

§ 1. The Franklin circuit court shall have jurisdiction, in behalf of the commonwealth, of all causes, suits, and motions against clerks of courts, collectors of public money, and all public debtors or defaulters of any denomination, and others claiming under them ; and for this purpose its jurisdiction shall be co-extensive with the state.

ARTICLE XVI.

§ 1. The judge of the Franklin circuit court shall hold a term on the last Monday in January in each year for the trial of suits and motions in behalf of the commonwealth, and continue in session for six days, or longer, if the business require it.

§ 2. The court may try such causes at its regular terms ; motions may be set for trial on any day of the special or other terms.

ARTICLE XVII.

QUARTERLY COURT.

Concurrent original jurisdiction.

§ 1. The quarterly court of the presiding judge of each county shall have concurrent original jurisdiction, both in law and equity, with justices of the peace, in all civil cases.

But this section shall not authorize the trial of a cause of which a justice has jurisdiction, out of the justice's district in which all the defendants reside, if any of the defendants reside in the county, without the consent, in writing, of the defendant or defendants ; and unless such consent be given, the officer executing the warrant shall return the same for trial before a justice of the peace in the district of the defendant's residence.

§ 2. It shall have jurisdiction throughout the county in proceedings against constables for defalcation in office.

§ 3. It shall have concurrent jurisdiction with the circuit court in all civil cases where the amount in controversy does not amount to one hundred dollars, exclusive of interest and costs, and where the right to or boundary of real estate is not drawn in question.

§ 4. It has power to impanel a jury of bystanders, but such juries are to receive no compensation for their services, unless they sit longer than one day.

ARTICLE XVIII.

Powers of the Presiding Judge out of court.

§ 1. The presiding judge of the county court shall be a conservator of the peace within his county.

He shall, also, have all the powers of a justice in penal and criminal proceedings, and of a court of inquiry in such proceedings.

§ 2. The presiding judge of the county court is authorized to grant injunctions; and attachments at common law or in chancery, from his own court or the circuit court of his county.

1. He shall have jurisdiction to hold inquests upon idiots and lunatics.

2. He shall keep a record of all his official acts out of court, and in or out of court he shall have power to administer oaths.

ARTICLE XIX.

When to be held, and its duties.

§ 1. The presiding judge of the county in each county shall hold a quarterly term at the court house thereof, at the times prescribed by law.

§ 2. The court shall remain in session at each term until it disposes of all the business on docket.

§ 3. Process returnable to the quarterly court may, at the discretion of the plaintiff, be directed to the sheriff or coroner, or to a constable.

§ 4. The presiding judge of the quarterly court shall act as clerk of his own court, and issue all process returnable thereto. He shall keep a docket, order book, and execution book.

1. In making out his docket, and in drawing up the proceedings of the court, in keeping an execution book, and in every other ministerial act done by him, he shall be governed by the laws prescribing the duties of clerks.

2. The court must, by rule, fix a monthly return day of executions, and other rules to govern its proceedings.

§ 5. When the sum in controversy is over fifty dollars, a tax of fifty cents shall be paid to the presiding judge by the plaintiff in each cause before suing out the original process therein, which shall be annually accounted for and paid into the treasury in the same manner that clerks of circuit courts are required to account for and pay over similar taxes.

§ 6. Copies of records in the quarterly county court, certified by the judge, shall be evidence.

§ 7. In controversies over fifty dollars, the fees of the presiding judge and officer executing the process shall be the same that the circuit court clerk and sheriff are entitled to for similar services, shall be due at the same time, and collectable in the same manner.

1. In controversies not exceeding fifty dollars, the presiding judge and other officer's fees shall be the same, and be due at the same time, and collectable in the same manner, that justices' and constables' fees are due and collectable for similar services.

2. The presiding judge shall be liable to the same penalties, in the same manner for issuing an illegal fee bill, or making an illegal charge, that justices of the peace are now liable to in similar cases.

§ 8. In cases before the quarterly court, where the sum in controversy is over sixteen dollars, exclusive of interest and costs, either party may have a change of venue to the circuit court of the same county, by order of a circuit judge, upon the person desiring the change making affidavit that he does not believe he can obtain a fair trial before the presiding judge.

ARTICLE XX.

COUNTY COURTS.

Concerning their original jurisdiction.

§ 1. In addition to the jurisdiction given to the county courts by the revised statutes, or any statute of a local character, they shall severally have jurisdiction within their respective counties—

1. To lay and superintend the collection and disbursement of the county levy.

2. To erect, superintend, and repair all needful public county buildings and structures.

3. To superintend and control the fiscal affairs and property of the county, and to make provisions for the maintenance of the poor.

§ 2. The county court may impanel a jury of bystanders, if either party requires it, on the trial of cases in bastardy; such juries shall receive no compensation for their services.

§ 3. It shall have all incidental power necessary to carry into effect its jurisdiction.

ARTICLE XXI.

Concerning their appellate jurisdiction.

§ 1. It has jurisdiction of all civil cases by appeal from the decisions of justices of the peace, where the amount in controversy, exclusive of interest and cost, is over four dollars, and is under sixteen dollars.

ARTICLE XXII.

Who to compose County Courts, &c.

§ 1. The office of associate judge of the county court is abolished.

§ 2. A county court shall be held in each county, at the seat of justice thereof, by the presiding judge of the court, on the days prescribed by law.

1. But at the court of claims, which shall be held in October of each year, the justices of the peace of the county shall sit with the presiding judge and constitute the court. If the circuit court of any county is held in October, then the court of claims for such county must be held in November.

2. A majority of the justices in commission in the county, and the presiding judge, shall constitute a quorum to do business.

3. The presiding judge may cause the justices of the county to be summoned to attend at other terms of the court, if he thinks proper.

4. But justices of the peace shall only compose a part of the court when it is engaged in laying the county levy, and in appropriating money, and in transacting other financial business of the county.

5. The justices who attend court and assist in transacting business shall each be allowed one dollar per day for his services, to be paid out of the county levy.

6. If a majority of the justices of the county do not attend at a court of claims, or at any other court, when summoned to attend, the court may be adjourned from day to day, until a quorum shall attend; and an attachment may be awarded against defaulters to coerce their attendance.

§ 3. The presiding judge of the court, before he enters on the duties of his station, must, in addition to the oaths required by the constitution, take an oath or affirmation to administer justice without respect to persons, and to do equal right to the poor and the rich, and that he will faithfully and impartially discharge the duties of his office to the best of his skill and judgment.

§ 4. The records and official papers of the county courts heretofore existing, and of the clerks' offices of such courts, shall be kept by the clerks in their offices, and held and regarded as the records and official papers of the county courts and clerks' offices of the court hereby organized in the same counties.

1. Official copies, certified by the clerks of the courts hereby organized, shall be evidence.

2. No county court clerk shall practice law in the court of which he is clerk.

3. Nor shall any practicing lawyer keep his office in any room in which the records of the clerk are kept.

§ 5. The county court is a court of record.

1. Before every adjournment, the minutes of the proceedings of the court shall be publicly read by the clerk, and corrected, if necessary, and then the same shall be signed by the judge or presiding justice.

2. The minutes signed shall be taken in a book and carefully preserved among the records; and no proceedings of the court shall be valid until the same be so read and signed.

§ 6. When a county court and a quarterly court are to be held on the same day, the former may complete its business first, or may adjourn a part of it to accommodate parties, and proceed with the business of the quarterly court.

The county court has power to adjourn from time to time, until it disposes of all the business on the docket. But no adjournment shall be to a time beyond the commencement of the next regular term of the court.

§ 7. It shall be the duty of the county court of levy and disbursements to erect and to keep a sufficient county jail.

1. On a failure to do so, each member of the court shall be liable to be indicted and fined not less than fifty nor more than one hundred dollars and costs, and shall stand committed until the same is paid. No

member shall be liable, if it shall appear that he did not oppose the erection and keeping a good and sufficient jail.

2. That their representatives shall, moreover, be liable, jointly and severally, for damages to any one injured by such failure.

§ 8. The records of the county court shall, at all times, show by whom the court is holden; when justices of the peace compose a part of the court, the records must state the names of such as take their seats, and when a member leaves the bench his absence must be noted.

§ 9. If a levy be not made at the time prescribed, it may be made at a subsequent time.

ARTICLE XXIII.

Concerning settling the accounts of fiduciaries.

§ 1. The presiding judge of the county court shall make settlements with personal representatives and guardians in his county.

1. He shall be allowed one dollar and fifty cents for each settlement. If the same occupies him more than one day, then one dollar and fifty cents per day, to be paid out of the estate settled.

2. The law requiring three commissioners to be appointed to make such settlements is hereby repealed.

3. If, in any case, the judge cannot make such settlement with propriety, then the clerk of the county court may make the same. If he cannot act with propriety, the judge may appoint some discreet person, not of kin to either party, to make the settlement.

4. The judge may, if he thinks proper, appoint a standing commissioner to make such settlements.

§ 2. It shall be the duty of the presiding judge of each county, when called on by a personal representative or guardian, or committee, or any person interested, to state and settle the accounts of such fiduciary.

1. He shall have power to hear testimony on such settlement in support or in opposition to any item.

2. He must reduce to writing all verbal evidence adduced before him.

3. He is in all cases to be governed by law and justice, and shall give no credit to a fiduciary for disbursements, or for services, without evidence to justify the same.

4. His report, in writing, he shall return to the clerk of the county court. The report shall show the result, giving items of debit and credit, and he shall return therewith all vouchers and evidence adduced before him on the settlement.

5. The clerk shall indorse on the report the time of filing the same, and it shall lay over one term for exceptions to be filed by any person interested.

6. If no exceptions are filed by the second term of the court, the report shall, if approved, be recorded.

7. If exceptions are taken, other evidence besides that reported may be heard, and the court shall, upon the whole case, alter or amend the report and order it to be recorded, or so order it without altering or amending it, as shall appear right and legal. The vouchers accompanying the report shall not be recorded, but must be carefully kept on file in the clerk's office.

8. Any new evidence given in court must be reduced to writing, and filed with the report.

9. Settlements so made and recorded shall be *prima facie* evidence between the parties interested.

10. Notice of the time and place of such settlement must be given to all parties interested, if resident in the county. Any fiduciary failing to settle when so notified, without good excuse, shall, on notice thereof, be fined by the county court twenty dollars.

11. Witnesses may be summoned at the instance of either party, to give evidence before the judge on the settlement, or on the trial of exceptions by the court, and their attendance may be coerced by attachment and fine.

12. In making settlements, the judge may adjourn from day to day, so long as the business requires it.

13. He may interrogate personal representatives and guardians, on oath, touching any matter drawn in question in making a settlement, and their statements, when so interrogated, must be reduced to writing and returned with the report.

14. No evidence shall be presumed to have been given on a settlement except such as is reported.

ARTICLE XXIV.

OF JUSTICES OF THE PEACE.

Their jurisdiction in criminal and penal cases.

§ 1. Every justice of the peace shall be a conservator of the peace in his county.

§ 2. He shall have jurisdiction in all penal cases where the fine or penalty is so regulated by law that it cannot exceed sixteen dollars, except where the jurisdiction thereof is otherwise specially conferred.

§ 3. Two justices have jurisdiction to examine into all infractions of the penal and criminal laws, the final trial of which is cognizable in the circuit court, and when proper to send the accused on for further trial, to commit him to jail, or to allow and take bail.

§ 4. A justice shall have jurisdiction to try persons for routs, riots, breaches of the peace, and disorderly conduct, and for their appearance at the proper court.

1. To bind persons to keep the peace, and for their appearance at the proper court.

2. He may have a jury impaneled at the request of either party, in any case where a jury is allowed by law.

3. He may grant a new trial or rehearing of any case, civil or penal.

4. The power to grant a new trial or rehearing expires after ten days from the date of the verdict or judgment.

ARTICLE XXV.

Of civil matters.

§ 1. A justice of the peace has original common law jurisdiction in all cases of contract, written or verbal, express or implied, where the debt or damages claimed, exclusive of interest, does not exceed fifty dollars.

1. He has original jurisdiction, in law and equity, of all cases where the amount in controversy does not exceed sixteen dollars.

2. He has power to issue original or final process in any case within his jurisdiction, or which any statute may make it his duty to issue.

3. To issue subpoenas for witnesses.

4. To administer an oath in all cases where it is required by law, or necessary in the exercise of his jurisdiction.

§ 2. A justice has jurisdiction of motions against constables for failing to make proper returns, and for failing to pay over money under process from a justice.

§ 3. The jurisdiction of justices of the peace in cases of idiocy and lunacy is hereby repealed.

ARTICLE XXVI.

Chancery jurisdiction.

§ 1. He has jurisdiction by attachment in behalf of the plaintiff in a judgment for less than fifty dollars, upon which execution issues and is returned as to any part thereof no property found, against any person indebted to the defendant in the judgment.

1. He has jurisdiction of cases to subject the choses in action and personal property of non-residents, or persons who have been absent from the state four months, to the payment of demands over which a justice has legal jurisdiction.

2. The jurisdiction given by this article, (except for sums under sixteen dollars,) is concurrent with the circuit courts and quarterly courts.

§ 2. A justice has all power necessary to carry into execution the jurisdiction conferred on him.

ARTICLE XXVII.

Concerning their official oaths.

§ 1. Every justice of the peace, before he enters on the duties of his office, shall take the oaths prescribed by the constitution.

ARTICLE XXVIII.

Concerning justices' courts.

§ 1. Each justice of the peace shall hold a court (for the trial of civil causes) in his district, on a day to be fixed by the presiding judge of the county court, in the months designated by law, and shall continue his court from day to day, until he disposes of all the business returned before him.

§ 2. Every justice's court is a court of record, and each justice shall, in a book provided by him for that purpose, keep a full and fair record of his judicial proceedings.

1. He shall make and keep with such book a good index of the names of litigants, referring to the pages in the book of every entry in each cause.

2. All warrants and motions shall be docketed and tried, or continued, by justices, in the succession in which the warrants or notices of the motions are returned before him for trial.

3. Depositions may be taken and read on trials before justices in the same manner and on the same grounds as in the circuit courts, except that the same may be taken before and certified by a justice of the peace.

4. No warrant or notice shall stand for trial unless it has been executed five days before the day set for the trial thereof.

§ 3. A party to a suit pending before a justice shall have a change of venue to another justice, when he shall make oath that he believes

he cannot have a fair trial in the justice's court before whom the cause is pending, and the cause may be tried out of term time by the justice to whose court it is removed.

§ 4. If the justice before whom a cause is returned for trial does not attend, or cannot try the same, any other justice of the same county may attend and try and decide the cause.

§ 5. Any justice who intends to be absent from the county in which he resides for more than a week, or if from any cause he is unable to act, shall deposit his records with some convenient justice, who may grant any appeal, or allow any traverse to be filed, give a certified copy of any judgment, or issue any process which the justice could who rendered the judgment.

1. If the books are not deposited with another justice, if he can get possession thereof, he may, at any time during such absence or disability, act as if they were so deposited.

2. If a justice shall vacate his office, the nearest justice to his residence may act, as is provided in the preceding part of this section, until the vacancy is filled.

3. The successor of a justice may act on the judgments and records of his predecessor in the same manner that the latter could do, were he still in office.

4. When a justice is appointed, the county court shall make an order directing what books of his predecessor shall be placed in his hands.

ARTICLE XXIX.

Concerning the swearing of parties.

§ 1. In trials before a justice of the peace, either party may examine the other upon oath, touching the matter in controversy, if present at the trial, or a resident of the county.

1. A summons may issue, requiring the appearance of the party whose examination is desired, if he be a resident of the county in which the case is pending.

2. If such party resides out of the county in which the trial is to be had, the opposite party may file interrogatories with the justice before whom the cause is pending, and swear that if answered truly they are necessary to obtain justice; a copy thereof must be delivered to the party to be interrogated, who shall make out, swear to, and file with the justice a plain direct response to the interrogatories, which may be read on the trial by either party.

3. The justice shall render judgment against a party who refuses to make a proper response to interrogatories, or to attend and answer before the justice when called on or summoned for that purpose, as herein provided.

§ 2. The three preceding subsections shall apply to the trial of appeals from justices' courts.

ARTICLE XXX.

Concerning lost judgments.

§ 1. When the records of a justice are destroyed or lost, and a judgment so destroyed or lost remains unsatisfied, he may, on proper notice, render a new judgment for whatever is due.

1. If, on the trial, the judgment appears to be satisfied, such justice shall give judgment for the defendant's costs.

2. The justice shall state in his record of such trials that the proceedings are founded on a judgment which has been lost or destroyed. An appeal lies from such judgments as in other cases.

ARTICLE XXXI.

Miscellaneous provisions.

§ 1. No justice shall sign, or knowingly permit his name to be signed to a blank warrant, under pain of being presented and fined ten dollars.

§ 2. On request, a justice shall give to any person desiring the same, a certified copy of any record and proceedings in his custody, which copy shall be legal evidence.

§ 3. Justices may hold a court any time for the trial of criminal or penal causes of which they have jurisdiction.

Mr. Leslie moved the following amendment, viz :

Page 83, chapter 22, section 1, line 8. Strike out the words, "in cases of felony, nor" and add to the section the following :

A writ of error may be granted from the judgment of any circuit court to the court of appeals, in all prosecutions for felony, at the instance of the defendant; and when a writ of error shall be so taken, and the record and evidence in such prosecution properly certified and filed in the office of the clerk of the court of appeals, it shall be the duty of said court, at the next term thereof, to hear and determine the same as in other commonwealth cases.

And whilst such writ of error shall be pending, it shall not be lawful for the prisoner to give bail; but shall be kept in jail in the county where he has been tried, until the writ of error is disposed of by the court of appeals, and until released or taken out for execution under the order of said court.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Leslie and Barnes, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	James W. Irwin,	Thompson S. Parks,
Henry G. Bibb,	Preston H. Leslie,	Shelby Stone,
Wallace W. Brown,	John G. McFarland,	John D. Taylor—10.
Joseph S. Conn,		

Those who voted in the negative, were

William J. Berry,	John A. Goodson,	Jefferson Percifull,
Thomas J. Blincoe,	Walker W. Haley,	William Preston,
Eli Bozarth,	Thomas N. Lindsey,	James F. Robinson,
William Bradley,	Lewis L. Mason,	John Shawhan,
Radford M. Cobb,	Martin D. McHenry,	Samuel A. Spencer,
John L. Elliott,	Isaac P. Miller,	John J. Thomasson,
Ira Ellis,	James P. Orr,	John C. Walker—17.
Richard D. Gholson,		

Ordered, That the consideration of the 22nd chapter of said bill be postponed until Tuesday next.

And then the Senate adjourned.

[Dec. 20.

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MONDAY, DECEMBER 22, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act for the benefit of Common School Districts in this Commonwealth.

That they had passed bills of the following titles, viz:

An act to establish the county of Powell.

An act for the benefit of William Richards, of Bath county.

An act to establish an April and July term of the Breckinridge County Court.

An act to incorporate the town of Kiddville, in the county of Clarke.

An act to incorporate the Frankfort Woolen Company.

An act to amend an act, entitled, an act to fix the time of holding the Circuit Courts in this Commonwealth.

An act to change the time of meeting of the General Assembly.

An act to extend the town limits of Shepherdsville.

An act to change the place of voting from the house of Sarah Bates to the mouth of Mill Stone, in Letcher county.

An act to amend the law in relation to working the public highways in the county of Mason.

An act to incorporate Minerva Division, No. 64, Sons of Temperance.

An act to incorporate the Maysville and Blue Run Plank or Turnpike Road Company.

An act to incorporate the Presbyterial Academy, of Greenville.

An act to amend an act, entitled, an act to incorporate the town of Shelbyville, approved March 24, 1851.

An act for the benefit of the Sheriffs of Taylor and Cumberland counties.

An act better to define the boundary lines of Todd county.

An act to establish the Parochial School of Elkton, Todd county.

An act to incorporate Wayne Division, No. 176, Sons of Temperance.

An act repealing the law requiring the Wayne County Court to erect and keep a Stray Pound.

That they had received official information from the Governor, that he had approved and signed enrolled bills which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the Sheriff of Breathitt county.

An act for the benefit of Elisha Breeding.

An act authorizing William Garrard to build a Fish Dam and Trap across main Licking river.

An act for the benefit of the Sheriff of Butler county.

An act for the benefit of John Wallis.

An act for the benefit of the Sheriff of Pendleton county.

An act to amend the several acts regulating the election of trustees of the town of Scottsville.

An act to incorporate the town of Lovelaceville, in Ballard county.

An act to change the time of holding the Clinton Circuit Court, and allowing an additional week to the Cumberland Circuit Court.

An act for the benefit of Kean O'Hara.

An act declaring Griffey's creek navigable.

An act for the benefit of Joseph Curd, of Jessamine county.

An act to authorize a change in the state road in Todd county.

An act to change the time of holding the court of claims in Bath county.

An act to incorporate Proctor Division, No. 205, Sons of Temperance.

An act to change the place of voting in the Worthville district in Carroll county.

An act to authorize the clerk of the Logan County Court to transcribe and have re-bound certain record books.

An act to authorize the clerk of the Henderson County Court to transcribe and index certain records in his office.

An act to incorporate the Winchester and Kiddville Turnpike Road Company.

Resolution for the benefit of the Louisville and Frankfort Railroad Company.

Approved December 13, 1851.

The following petitions were presented, viz:

By Mr. Thomasson—1. The petition of sundry citizens of Henry county, requesting authority to tax the citizens for Railroad purposes.

By Mr. Cunningham—2. The remonstrance of the trustees of the town of Owingsville, remonstrating against the passage of a law authorizing Travis Daniel to keep his stallions and jacks in said town.

Which petitions were received, the reading dispensed with, and referred—the 1st, to a select committee consisting of Messrs. Thomasson, McHenry, and Stone; and the 2d to the committee on County Courts.

Mr. Irwin, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Newport and Maysville Railroad Company, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bradley, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, reported the same without amendment.

Ordered, That said bill be placed in the orders of the day.

Mr. McHenry, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act further to provide for the collection of tolls on Kentucky, Green, and Big Barren rivers, reported the same without amendment.

Ordered, That bill be referred to the committee on Internal Improvement, with instructions to report said bill on to-morrow.

The following bills were reported, viz :

By Mr. Irwin, from the committee on Internal Improvement—A bill to establish an election precinct in Keysburg, in Logan county.

By same—A bill for the benefit of the Covington and Lexington Railroad Company.

By Mr. Berry, from the same committee—A bill to incorporate the Owingsville and Mountsterling Turnpike Road Company.

By same—A bill to incorporate the Owingsville and Poplar Plains Turnpike Road Company.

By same—A bill to incorporate the Versailles and Woodford Railroad Company.

By same—A bill in relation to the Harrodsburg, Cane Run, and Big Spring Turnpike Road Company.

By Mr. Bradley, from the committee on Propositions and Grievances—A bill to establish an additional justices' district and election precinct in Nicholas county.

By Mr. Walker, from the committee on the Judiciary—A bill to incorporate Pleasant Grove Division, No. 253, in Trimble county.

By same—A bill to authorize the sale of the Methodist Parsonage in Salvisa, in Mercer county.

By same—A bill to increase the powers of the Marshal of New Liberty.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the committee on Finance, to whom was referred a bill to appropriate money for the erection of a bridge across Straight

creek, in Harlan county, reported the same with an amendment, which was concurred in.

Said bill reads as follows, viz :

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of four hundred and fifty dollars be and the same is hereby appropriated for the erection of a bridge across the mouth of Straight creek, in Harlan county, and the auditor is directed to draw a warrant upon the treasury for that amount, in favor of the commissioners herein-after appointed to superintend the building of said bridge.

§ 2. *Be it further enacted,* That B. F. Herndon, Henry Wilson, and James Stewart, be appointed commissioners to superintend the building of said bridge. They are directed to let out the building of said bridge to the lowest bidder, taking from the contractor bond with good security for the performance of the work. They are directed to advertise the time and place of letting out the building of said bridge, twenty days, by posting up written notices on the court house door and the several tavern houses in Mount Pleasant.

§ 3. *Be it further enacted,* That before the money shall be drawn, under the provisions of this act, the county court of Harlan shall give a bond, in a penalty of double the amount drawn, with good security to be approved by the governor, the bond to be given to the commonwealth of Kentucky and lodged in the office of the secretary of state, and to be conditioned as follows: that said county court will, without any other aid from the government, cause to be erected a good and substantial bridge across Straight creek at the place proposed, above high water, within three years from the time of drawing the money; and upon the failure to build said bridge within the time prescribed, then and in that event to return such sum or sums of money as may be drawn from the public treasury.

Mr. Berry moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Berry and Walker, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	James W. Irwin,	James P. Orr,
Eli Bozarth,	John G. McFarland,	John Shawhan,
Ira Ellis,	Martin D. McHenry,	Thomas J. Smith,
John A. Goodson,	Reuben Munday,	John C. Walker—13.
Walker W. Haley,		

Those who voted in the negative, were

Sidney M. Barnes,	Ben. Hardin,	Jefferson Percifull,
Henry G. Bibb,	William A. Hooe,	James F. Robinson,
Thomas J. Blincoe,	Preston H. Leslie,	Samuel A. Spencer,
William Bradley,	Thomas N. Lindsey,	Shelby Stone,
Radford M. Cobb,	Lewis L. Mason,	John D. Taylor,
Joseph S. Conn,	Isaac P. Miller,	John J. Thomasson—20.
Richard D. Gholson,	Thompson S. Parks,	

Ordered, That said bill be read a third time on to-morrow at 11 o'clock.

[Dec. 22.

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Mr. Hardin, from the same committee, to whom was referred a bill for the benefit of Samuel Woodson, late clerk of the Hopkins Circuit Court, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bradley, from the committee on Propositions and Grievances, asked to be discharged from the further consideration of a leave to bring in a bill for the benefit of Asahel Carl, which was granted.

Ordered, That said leave be referred to the committee on Finance.

Mr. Walker, from the committee on the Judiciary, reported a bill for the benefit of Hester D. Collins, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be placed in the orders of the day.

Mr. Leslie, from the committee on Banks, reported a bill to incorporate the Commercial Bank of Paducah, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be made the special order of the day for the 24th inst., and that the Public Printer print 150 copies thereof for the use of the members of the General Assembly.

The following bills were reported from select committees, viz :

By Mr. Walker—1. A bill to authorize the County Court of Daviess and other counties to subscribe stock in the Louisville and Mississippi Railroad Company, and in the Louisville and Nashville Railroad Company.

By Mr. Mason—2. A bill incorporating the Ghent and Owen County Eagle Creek Bridge Company.

By Mr. Bradley—3. A bill to legalize the proceedings of the June term, 1851, of the Union County Court.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st be referred to the committee on the Judiciary, and that the 2nd and 3d be engrossed and read a third time.

The constitutional provision as to the third reading of the 2nd and 3d bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz :

On motion of Mr. Lindsey—1. A bill to allow Justices of the Peace to take depositions.

On motion of Mr. Bradley—2. A bill to legalize the proceedings of the June term, 1851, of the Union County Court.

Ordered, That the committee on the Judiciary prepare and bring in the 1st; and Messrs. Bradley, Goodson, and Parks, the 2nd.

A bill from the House of Representatives, entitled, an act to change the time of meeting of the General Assembly, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill more effectually to suppress the practice of gambling was read the third time.

Said bill reads as follows, viz :

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any person who shall be guilty of gaming at cards, dice, chuck-a-luck, or any thing else in the public road, street, commons, fields, woods, or in any house, or any other place, for money, or property, or any thing else, shall be liable to a fine of sixteen dollars, which may be recovered by warrant, before any justice of the peace or police judge, or by presentment of a grand jury.

§ 2. That any person who shall bet or wager money or property on any such game played by others, shall be subject to presentment or indictment therefor, and, upon conviction thereof, shall be fined the like sum, to be recovered in like manner.

§ 3. That it shall be the special duty of all justices of the peace, constables, sheriffs, and coroners to enforce the provisions of this act; and it shall be the duty of justices of the peace and presiding judges of the county courts, upon information being given of a violation of this act, to issue process against the offender, and cause him or them to be brought before said judge or some justice of the peace for said county, for trial; and said judges and all justices of the peace are hereby declared to have full power and jurisdiction to hear and determine the same, as in other cases; and all circuit judges shall give this act in charge to the grand jury, at each term of his court.

Mr. Leslie moved the following amendment to said bill, by way of engrossed ryder.

Be it further enacted, That when any person shall be prosecuted before any justice of the peace, or any other court, for a violation of this act, he or they so prosecuted shall be entitled to a trial by jury.

[Dec. 22,

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And the question being taken thereon, it was decided in the affirmative.

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And the question being taken on the passage of said bill, as amended, it was decided in the affirmative.

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The yeas and nays being required thereon by Messrs. Hardin and Leslie, were as follows, viz :

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Those who voted in the affirmative, were

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Sidney M. Barnes,	Walker W. Haley,	Thompson S. Parks,
Henry G. Bibb,	James W. Irwin,	James F. Robinson,
Eli Bozarth,	Preston H. Leslie,	Thomas J. Smith,
Joseph S. Conn,	Thomas N. Lindsey,	Samuel A. Spencer,
Richard D. Gholson,	Martin D. McHenry,	John J. Thomasson,
John A. Goodson,	Reuben Munday,	John C. Walker—18.

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Those who voted in the negative, were

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Thomas J. Blincoe,	Lewis L. Mason,	Jefferson Percifull,
William Bradley,	John G. McFarland,	John Shawhan,
Radford M. Cobb,	Isaac P. Miller,	Shelby Stone,
Ben. Hardin,	James P. Orr,	John D. Taylor—13.
William A. Hooe,		

A message was received from the Governor, by Mr. Meriwether, Secretary of State.

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The rule of the Senate being dispensed with, said message was taken up and read as follows, viz :

EXECUTIVE DEPARTMENT,
December 22nd, 1851. }

Gentlemen of the Senate :

I nominate for your advice and consent,

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ment or in-
ed the like

William Milton, Notary Public for Jefferson county.

Alexander Hull, Notary Public for Logan county.

Independent Gist, Notary Public for Fayette county.

Nicholas Barber, Notary Public for Jefferson county.

L. P. Crenshaw, Notary Public for Jefferson county.

John W. Tyler, Notary Public for Jefferson county.

E. S. Worthington, Notary Public for Jefferson county.

Charles D. Pennybaker, Notary Public for Jefferson county.

E. Pendleton Pope, Notary Public for Jefferson county.

Hugh B. Farrar, Notary Public for Franklin county.

Robert F. Baird, Notary Public for Jefferson county.

C. W. Hutchen, Notary Public for Fulton county.

Sherrod Williams, Notary Public for Jefferson county.

William S. Pilcher, Notary Public for Jefferson county.

James L. Allen, Notary Public for Fayette county.

Edwin S. Craig, Notary Public for Jefferson county.

Henry Bayless, Notary Public for Kenton county.

John C. Steele, Notary Public for Fulton county.

way of en-

acted before
of this act,

L. W. POWELL.

Resolved, That the Senate advise and consent to said appointments.

The Senate resumed the consideration of the bill to revise the Statute Laws of this State.

The 7th section of the 13th article of the 23d chapter of said bill is as follows :

"Land sold under an execution issued to another county than that in which the judgment was rendered, or than that in which the owner resides, at the request of the defendant, shall not be subject to valuation or redemption. The clerk shall indorse on such execution, that no valuation is to be made."

Mr. Barnes moved to strike out said section, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Barnes and Leslie, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	James W. Irwin,	James P. Orr,
Eli Bozarth,	Preston H. Leslie,	Thompson S. Parks,
John A. Goodson,	John G. McFarland,	Thomas J. Smith,
Walker W. Haley,	Isaac P. Miller,	John D. Taylor—14.
William A. Hooe,	Reuben Munday,	

Those who voted in the negative, were

William J. Berry,	Thomas N. Lindsey,	John Shawhan,
Henry G. Bibb,	Lewis L. Mason,	Samuel A. Spencer,
Thomas J. Blincoe,	Martin D. McHenry,	Shelby Stone,
William Bradley,	William Preston,	John J. Thomasson,
Richard D. Gholson,	James F. Robinson,	John C. Walker—15.

Mr. Bibb moved a reconsideration of the vote by which the Senate refused to strike out said section, and it was decided in the negative.

The 12th section of the 12th article of the 25th chapter of said bill reads as follows, viz :

"Any person guilty of receiving a bribe for his vote at an election, or for his services or influence, in procuring a vote or votes at an election, shall be fined from fifty to five hundred dollars, or imprisoned from one to twelve months."

Mr. Barnes moved to amend said section as follows : line 3 strike out "five" and insert "one." Add to the section, "and be excluded from office and the right of suffrage."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Haley and Smith, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	William A. Hooe,	James F. Robinson,
Thomas J. Blincoe,	Preston H. Leslie,	Samuel A. Spencer,
Eli Bozarth,	Thomas N. Lindsey,	Shelby Stone,

Wallace W. Brown,
Joseph S. Conn,
Richard D. Gholson,
John A. Goodson,

Lewis L. Mason,
Martin D. McHenry,
Reuben Munday,
Thompson S. Parks,

John D. Taylor,
John J. Thomasson,
John C. Walker—20.

Those who voted in the negative, were

William J. Berry,
Henry G. Bibb,
William Bradley,
Walker W. Haley,

James W. Irwin,
John G. McFarland,
Isaac P. Miller,

Jefferson Percifull,
John Shawhan,
Thomas J. Smith—10.

The 13th section of the same article reads as follows, viz :

"Whoever shall bribe another, or offer to bribe another, as in the last section named, shall, on conviction, be fined from twenty to two hundred dollars, or imprisoned from ten to ninety days, or both so fined and imprisoned."

Mr. Barnes moved to amend said section by striking out the words "twenty" and "two," in the 3d line, and inserting in lieu thereof "fifty" and "one," and adding to the section, "and be excluded from office and the right of suffrage."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Percifull and Haley, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,
Thomas J. Blincoe,
Eli Bozarth,
Wallace W. Brown,
Joseph S. Conn,
Richard D. Gholson,
John A. Goodson,

Walker W. Haley,
William A. Hooe,
Preston H. Leslie,
Thomas N. Lindsey,
Lewis L. Mason,
John G. McFarland,
Martin D. McHenry,

Thompson S. Parks,
James F. Robinson,
Samuel A. Spencer,
Shelby Stone,
John D. Taylor,
John J. Thomasson,
John C. Walker—21.

Those who voted in the negative, were

William J. Berry,
Henry G. Bibb,
Ben. Hardin,

James W. Irwin,
Jefferson Percifull,
William Preston,

John Shawhan,
Thomas J. Smith—8.

Mr. Leslie moved to strike out, in the same section, the words, "or offer to bribe another," and it was decided in the affirmative.

Mr. Leslie moved further to amend the same section, by adding thereto the following :

"Whoever shall be convicted of offering to bribe another, shall be fined not less than twenty nor more than two hundred dollars."]

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Leslie and Lindsey, were as follows, viz :

Those who voted in the affirmative, were

Joseph S. Conn,
Richard D. Gholson,

Thomas N. Lindsey,
Martin D. McHenry,

Samuel A. Spencer,
John D. Taylor,

William A. Hooe,
Preston H. Leslie,

Thompson S. Parks,
James F. Robinson,

John J. Thomasson,
John C. Walker—12.

Those who voted in the negative, were

Sidney M. Barnes,
Henry G. Bibb,
Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Wallace W. Brown,

John Cunningham,
Ira Ellis,
John A. Goodson,
Ben. Hardin,
James W. Irwin,
Lewis L. Mason,

John G. McFarland,
Reuben Munday,
James P. Orr,
John Shawhan,
Shelby Stone—17.

Mr. Taylor moved an amendment to the 20th section, which was adopted.

The question was then taken on the adoption of the 25th chapter as amended, and it was decided in the affirmative.

The 25th chapter, as amended, reads as follows :

CHAPTER. 25.

ELECTIONS.

ARTICLE I.

General provisions.

§ 1. Whenever in this chapter, or in any statute hereafter passed, it is said an election shall be held, or an equivalent expression is used in reference to a state, district, or county election, it shall be deemed to mean an election by the qualified voters, to be held at the places of voting in the various precincts or justices' districts whose voters have a right to vote in the election of the officers designated.

§ 2. Whenever a duty is imposed upon, or a power confided to a "sheriff," in reference to an election, the same shall apply to any other officer or person acting for him at an election, and to the deputies of the sheriff, such other officer or person, in the same manner as if the duty were imposed upon or the power confided expressly to such other officer, person, or deputies; except that, in comparing returns, or giving the casting vote in the election of a county judge to fill a vacancy, no deputy shall act without the express written authority of the principal.

§ 3. "Officer of an election," as used in this chapter, means a judge, clerk, or sheriff, or person acting for a sheriff at an election; also, a member of a board for examining poll-books or returns, or making returns.

ARTICLE II.

Precincts, &c.

§ 1. The election precincts and places of voting in the several counties in this state shall be the same as the districts and places fixed by law for the election of justices of the peace, unless otherwise specially provided for by law.

§ 2. That elections in the city of Louisville, except those for justices of the peace and constables, shall be held in each ward thereof, the place of voting to be designated by the mayor and council thereof.

§ 3. Districts for the election of justices of the peace and constables, election precincts, and places of voting, may be changed by the county court in the month of January or February next preceding the regular time of electing justices of the peace, on the petition of a majority of

the voters of each district or precinct to be affected by the change; and when any such change is so made, the sheriff shall cause the same to be advertised at the places of voting in each precinct affected by the change, for two weeks preceding the next election. If, for any good cause, an election cannot be held at the house appointed as the place of voting, the judges of the election may, on the morning of the election, adjourn it to the most convenient place, after having publicly proclaimed the change.

§ 4. An election for two justices of the peace shall be held in each magistrates' district on the first Saturday in May, 1855, and on the same day every fourth year thereafter; and for a constable on the first Saturday in May, 1853, and on the same day in every second year thereafter.

§ 5. The term of office of justices of the peace and constables shall always commence on the first day of June in the year of their election, and expire when their successors are qualified. The justices of the peace shall enter on the duties of their respective offices as soon after their terms commence as they shall have received their commissions and qualified thereunder, and shall have filed the same, with the certificate of qualification thereon, in the county court clerk's office.

ARTICLE III.

Elections, how held.

§ 1. Each county court shall, in the month of June or July in every year, appoint two justices of the peace, if so many there be, or one justice and one other suitable person as judges, and a clerk of the election, for each precinct in the county. It shall, also, in the month of March or April every second year, appoint two suitable persons as judges, and a clerk of the election, for each district for the election of justices of the peace and constables in the county. Such judges and clerks shall hold their offices till their successors are appointed and qualify. Vacancies may be filled at any time by the court, or as herein provided for; but such counties as do not appoint at their March court, and have no county court in April, may hold a called term to appoint officers for the May elections.

§ 2. The sheriff shall, at least five days before the next ensuing election, give each judge and clerk written notice of his appointment.

§ 3. Should the court fail to appoint such judges or clerk, or either fail to attend for thirty minutes after the time for commencing the election, or refuse to act, the sheriff or his deputy shall appoint a suitable person or persons to act in his or their stead for that election.

§ 4. Each judge and clerk of an election shall, before entering on the duties of his office, take the oath prescribed by the constitution, before some justice of the peace, or it may be administered by the sheriff.

§ 5. Such judge shall superintend the election, determine upon the legality of all the votes offered, see that they are properly recorded, with the voter's name, in the poll book to be kept for that purpose, attend to the proper summing up of the votes, certify the poll-book over their signatures, and deliver the same inclosed in an envelope sealed by them before they separate, to the sheriff. They shall also make out duplicate statements, in writing, signed by them, of the number of votes received

by each candidate, one copy of which shall be retained by each of the judges, and shall serve as evidence of the result of the election, if the poll-book is not produced. When the judges disagree the sheriff shall act as umpire between them.

Each clerk, in the presence of the judges, shall sign his name at the foot of every page of the poll book, as the election progresses, so that the same may be thereby identified.

§ 6. If the office of sheriff is vacant, or if the sheriff is himself a candidate at any election, all his duties pertaining to that election shall be performed by the coroner or such deputies as he may appoint for that purpose; if the coroner is absent, or his office vacant, or he is a candidate, then such duties of the sheriff shall be performed by some person appointed for that purpose by the presiding judge of the county court and the deputies of such person, if the presiding judge is not himself a candidate. But if the presiding judge is himself a candidate, or if, from any cause, a sheriff is not in attendance, the judges of the election at any precinct, or, if one of them is absent, the other judge may appoint a person to act in the place of the sheriff for the election on that day in that precinct. In case of disagreement between the judges, the clerk may appoint such person.

§ 7. If a person offering to vote is not personally known to one of the judges or the sheriff, as a qualified voter, he shall be interrogated, under oath administered by one of the judges or the clerk, as to his qualification. If, from his statement so made, he appears to be qualified, he shall be admitted to vote, unless his right is disputed by one of the judges or the sheriff, or by some other person present. If so disputed, the judges shall hear witnesses, not exceeding two in number on each side, as to his qualification, and decide as may appear right from the proof, and the statements of the party. The word "sworn" shall be written opposite the name of every one so voting.

Nothing in this section shall be construed to exempt a foreigner from producing his certificate of naturalization, unless his qualification is known to one of the judges or the sheriff.

§ 8. The following rules shall be observed in determining the residence of a person offering to vote:

1. That shall be deemed his residence where his habitation is, and to which, when absent, he has the intention of returning.
2. He shall not loose his residence by absence for temporary purposes merely; nor shall he obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making the county or precinct his home.
3. By removal to another state or county, with intention to make his permanent residence there, he looses his former residence.
4. So, also, he looses his residence here by removal to and residence in another state, with intention to reside there an indefinite time, or by voting there, even though he may have had the intention to return here at some future period.
5. The place where the family of a married man resides shall, generally, be considered his residence, unless the family so resides for a temporary purpose. If his family is permanently in one place, and he transacts his business in another, the former shall be his residence.

§ 9. If a person is objected to as not being a citizen, in addition to any questions the judges may think proper to ask, the following shall be put to him.

1. Have you resided in this state two years, or in this county one year immediately preceding this election? and have you resided in this precinct sixty days next preceding this election?

2. Have you been absent from this state during the two years immediately preceding this election, and, if so, did you, while absent, consider this state as your home, or did you, while absent, vote in another state?

§ 10. If the person is objected to as not a resident of the county or precinct in which he offers to vote, then, in like manner, the following questions shall be put to him.

1. When did you last come into this county (or precinct)?

2. When you came into this county (or precinct,) did you come for a temporary purpose merely, or for the purpose of making it your home?

3. Did you come into this county (or precinct) for the purpose of voting in it?

ARTICLE IV.

Time of holding elections.

§ 1. The election of electors of president and vice president shall be held on the Tuesday next after the first Monday in November, one thousand eight hundred and fifty-two, and on the same day in every fourth year thereafter. But the governor may, by his proclamation appoint the same day in any other year, pursuant to the act of congress, for holding the election in the event of a vacancy in the offices of president and vice president.

§ 2. The election of representatives in congress shall be held on the first Monday in August, one thousand eight hundred and fifty-one, and on the same day in every second year thereafter; but should there be a called session of congress between the expiration of any congressional term and the ensuing first Monday in August, the governor may, by his proclamation, published in three newspapers printed in this state, cause an election of representatives in congress to be held at an earlier day, if there is thirty days between the date of publication and the day so assigned by him.

§ 3. The election of all other officers, not otherwise provided for, shall be held on the first Monday in August; and thereafter, on the same day of each year, as the terms of office regularly expire.

§ 4. The chancellor, clerk, and marshal of the Louisville chancery court shall be elected by the qualified voters within its jurisdiction, on the first Monday in August of the year in which the term of office regularly expires.

ARTICLE V.

Comparing polls.

§ 1. The presiding judge of the county court, the clerk thereof, and the sheriff, or other officer acting for him at an election, shall constitute a board for examining the poll books of each county, and giving certificates of election. Any two of them may constitute a board; but, if either is a candidate, he shall have no voice in the decision of his own

case. If, from any cause, two of the before named persons cannot, in whole or in part, act in comparing the polls, their places shall be supplied by the two justices of the peace who may reside nearest to the court house.

§ 2. Within two days next after an election, the sheriff shall deposit with the clerk of the county court the poll-books of the different precincts. On the next day, the board shall meet in the clerk's office, between ten and twelve o'clock in the morning, compare the polls, ascertain the correctness of the summing up of the votes, and give triplicate or more written certificates of election, over their signatures, of those who have received the highest number of votes for any office exclusively within the gift of the voters of the county—one copy of the certificate to be retained in the clerk's office, another delivered to each of the persons elected, and the other forwarded by the county clerk to the secretary of state at Frankfort. For offices not within such gift, they shall give duplicate or more written certificates, over their signatures, of the number of votes given in the county to each person voted for, particularizing therein the precinct at which the votes were given—one copy to be retained in the clerk's office, and the other delivered to the sheriff.

The poll-books shall, thereafter, remain in the clerk's office as part of its records. So, also, shall the certificate of any precinct judges, which may have been used in the absence of the poll-book of that precinct.

§ 3. Where two or more counties vote together in the choice of a representative or senator, the sheriffs of the respective counties shall, between ten and twelve o'clock in the morning of the first Monday after the election, meet in the clerk's office of the county court of the county first named in the senatorial or representative district, compare the certificates of the examining boards of the several counties, and, therefrom, give triplicate or more certificates of election, in writing, over their signatures, of the persons who appear to have received the highest number of votes—one copy of the certificate to be retained in the clerk's office, another delivered to the person elected, and the other forwarded to the secretary of state at Frankfort.

§ 4. The certificate of election of a county officer shall be, in substance, in the following form.

COMMONWEALTH OF KENTUCKY, SCT.

We, A., B., and C., duly authorized to compare the poll-books for the county of _____, do certify that, at an election held in said county on the _____ day of _____, E. F. was duly elected to fill the office of _____

The certificate of election of a justice of the peace or constable shall be altered to show that the election was held in a named district.

§ 5. After an election for governor, lieutenant governor, or other officer elective by the votes of the whole state, or for a judge of the court of appeals, clerk of that court, circuit judge, commonwealth's attorney, representative in congress, or electors of president and vice president, it shall be the duty of the board of examiners of poll-books for each county, immediately after the examination of the poll-books, to make out three or more certificates in writing, over their signatures, of the number of votes given in the county for each of the candidates for any of said offices. One of the certificates shall be retained in the clerk's

office, another the clerk shall send by the next mail, under cover, to the secretary of state at Frankfort, and the other he shall transmit to the secretary by any private conveyance the clerk may select, free of cost.

§ 6. The governor, attorney general, and secretary of state, and in the absence of either, the auditor, or any two of them, shall be a board for examining the returns of election for any of the officers named in the last section.

1. It shall be the duty of said board, when the returns are all in, or on the fourth Monday after the election, whether they are in or not, to make out in the secretary's office, from the returns made, duplicate certificates, in writing, over their signatures, of the election of those having the highest number of votes—one certificate to be retained in the office, and the other sent by mail to the person elected. If all the returns are not made, the right to contest an election shall not be impaired.

2. In the case of the election of a representative in congress there shall be three certificates—one to be retained in the office, another sent by mail to the person elected, and the other sent by mail to the clerk of the house of representatives, at the seat of the federal government.

3. It shall be the duty of the secretary, immediately after the comparison of the returns, to cause a statement, therefrom, of the votes given in every county for each candidate, to be published in two newspapers printed in Frankfort.

4. If two or more persons shall be found to have received the highest and an equal number of votes for the same office, so that the election cannot be determined among the candidates by a plurality of votes, it shall be determined by lot, in such manner as the board may direct, and in the presence of not less than three other persons.

5. If one or more of the persons voted for as electors of president, is elected, then he or they when convened to vote for president, shall determine which of the candidates having an equal number of votes shall be deemed to be elected, without casting any lot therefor. But if none is elected, then the board shall determine the election by lot, between those having the highest and equal number of votes; except that they shall be arranged and drawn for in classes, according to their known pledges to vote for the different candidates, so that the whole vote of the state may be given to the same persons.

§ 7. Where the sheriffs of two or more counties, on comparison of the returns, or the board of examiners for a county, find that two or more persons have received the highest and an equal number of votes for the same office, they shall, in like manner, by lot, determine which of the candidates is elected.

ARTICLE VI.

Filling vacancy.

§ 1. The term "vacancy in office," or any equivalent phrase, as used in this article, means such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law. It applies whether the vacancy is occasioned by death, resignation, removal from the state, county, or district, or otherwise.

§ 2. A writ of election shall be signed by the officer or attested by the

clerk of the court issuing the same, appoint the day for holding the election, and be directed to the proper sheriff or sheriffs.

1. When an election is to be held to fill a vacancy in any office by the voters of the whole state, or of a congressional or judicial district, a proclamation, signed by the officer authorized to order the same, shall be used and stand in lieu of a writ of election.

2. Such proclamation, when for the whole state, shall be published, at least thirty days before the election, in two newspapers printed at the seat of government; and when for such district, at least twenty days before the election, in two newspapers printed in the district—if there are such papers printed at the seat of government or in the district. A copy of a proclamation for a district election shall, also, be forwarded by mail to the sheriff of each county in the district, twenty days before the election.

3. Immediately on receipt of a writ of election or proclamation of election, or other sufficient information thereof, the sheriff shall give notice thereof by advertisements, posted at the court house door and the several places of voting, and published in some newspaper printed in the county, if any such there be.

4. No writ for the election of a county officer, a representative, or senator, shall be issued, except so as to enable the sheriff to give such notice at least eight days before the election.

5. A writ of election from the county court shall be delivered to the sheriff by the clerk thereof, immediately after it is ordered. Other writs of election or proclamations shall be forwarded by the officer issuing them, to the sheriff by mail. If, from any cause, the sheriff cannot properly act, he shall, immediately, hand the writ or proclamation to the person authorized to act in his place.

6. The next succeeding first Monday in August shall always be the day appointed by writ or proclamation for holding an election, except as in this chapter allowed, unless to fill a vacancy in the court of appeals, or in the office of circuit judge, or unless there is or will be an intervening session of the legislature or of congress, rendering it necessary to fill a vacancy therein before the first Monday in August.

7. But when a vacancy so occurs that there is not time to give the requisite notice before the proper first Monday in August, a special election shall be ordered to take place on a day within six weeks after such first Monday.

8. Except in the cases provided for in the last subsection, the day appointed for filling a vacancy in the court of appeals, or in a circuit court, shall be within six weeks after the governor receives notice of the vacancy.

§ 3. When a vacancy happens in either branch of the legislature during its session, the presiding officer of the house in which the vacancy occurs shall issue the writ of election; if the legislature is not in session, the writ shall be issued by the governor.

§ 4. When a vacancy happens in the office of governor, requiring an election, the proclamation therefor shall be issued by the chief justice, or, if he is absent from the state, by the judge of the court of appeals having the shortest unexpired term.

§ 5. A vacancy in the office of sheriff shall be temporarily filled by

the county court, until the next succeeding August election, and until the successor then chosen shall qualify.

1. A vacancy in the office of coroner, surveyor, county court-clerk, county attorney, jailer, constable, or assessor, shall be filled in like manner, until the next succeeding August election, and until the successor then chosen has qualified. A writ of election to fill the vacancy shall be issued by the court; or, if the judge is not at the time in the county, by the clerk under the order of two justices of the peace.

2. A vacancy in the office of justice of the peace shall be filled by the appointment of the governor, temporarily until the next succeeding May or August election, whichever shall first transpire, and until the successor then chosen shall qualify; and a writ of election to fill the remaining vacancy shall be issued in like manner.

3. A vacancy in the office of commonwealth's attorney or circuit court clerk shall, in like manner, be temporarily filled for the same time by the circuit judge of the district, who shall, also, issue the writ or proclamation for an election to fill the remaining vacancy.

§ 6. When a vacancy shall occur in the office of any presiding judge of a county court within the first three years for which he may have been elected to said office, it shall be the duty of the clerk of the county court, or, in his absence, the clerk of the circuit court, to issue a writ of election, directed to the sheriff, who shall proceed to hold an election—after having given due notice; but if the vacancy shall be for a less period than one year, then the clerk of the county or circuit court shall notify all the magistrates of the county that a vacancy has occurred, and requiring the said justices to convene at the court house to fill said vacancy, on a named day.

1. The justices shall convene at ten o'clock in the morning of the appointed day, or as soon thereafter as may be, and at the same hour every succeeding day, Sunday excepted, until the vacancy is filled.

2. A majority of the justices shall be a quorum to fill the vacancy, and their written certificate thereof shall be handed to and preserved by the clerk of the court.

3. In case of a tie, or if a majority of the justices present cannot be otherwise obtained, after three ballots, the sheriff shall give the casting vote.

§ 7. All resignations of office shall be tendered to the court, or officer who is required to fill the vacancy. All such resignations shall be in writing, and received and recorded by said court or officer; when it is required to be filled by the circuit judge, he shall cause a record to be made of the resignation in the court of that county in which the officer lives; and when by the county court it shall cause a record of the fact to be made; and when by the governor, he shall cause the same to be recorded in the executive journal.

ARTICLE VII.

Contested election.

§ 1. When the election of a governor or lieutenant is contested, a board for determining the contest shall be formed in the following manner.

1. On the third day after the organization of the general assembly which meets next after the election, the senate shall select, by lot, three

of its members, and the house of representatives shall select, by lot, eight of its members, and the eleven so selected shall constitute a board—seven of whom shall have power to act.

2. In making the selection by lot, the name of each member present shall be written on a separate piece of paper, every such piece being as nearly similar to the other as may be. Each piece shall be rolled up, so that the name thereon cannot be seen, nor any particular piece ascertained or selected by feeling. The whole, so prepared, shall be placed by the clerk in a box on his table; and, after it has been well shaken and the papers therein well intermixed, the clerk shall draw out one paper, which shall be opened and read aloud by the presiding officer; and so on, until the required number is obtained. The persons whose names are so drawn, shall be members of the board.

3. The members of the board so chosen by the two houses, shall be sworn by the speaker of the house of representatives to try the contested election, and give true judgment thereon, according to the evidence, unless dissolved before rendering judgment.

4. The board shall, within twenty-four hours after its selection, meet, appoint its chairman, and assign a day for hearing the contest, and adjourn from day to day, as its business may require.

5. If any person, so selected, shall swear that he cannot, without great personal inconvenience, serve on the board, or that he feels an undue bias for or against either of the parties, he may be excused by the house from serving on the board; and if it appears that a person, so selected, is related to either party, or is liable to any other proper objection on the score of his impartiality, he shall be so excused.

6. Any deficiency in the proper number, so created, shall be supplied by another draw from the box.

7. The board shall have power to send for persons, papers, and records, to issue attachments therefor, signed by its chairman, swear witnesses by its chairman or clerk, and issue commissions for taking proof.

8. Where it shall appear that the candidates receiving the highest number of votes given have received an equal number, the right to the office shall be determined by lot, under the direction of the board.—Where the person returned is found not to have been legally qualified to receive the office at the time of his election, a new election shall be ordered. Where another than the person returned shall be found to have received the highest number of legal votes given, such other shall be adjudged to be the person elected and entitled to the office.

9. No decision shall be made but by the vote of six members. Its decision, when made, shall be final and conclusive. It shall be made out in triplicate, and signed by the members voting therefor. One copy shall be retained by the chairman or clerk, and one delivered to the presiding officer of each house.

10. If a new election is required, it shall be immediately ordered, by the proclamation of the speaker of the house of representatives, to take place within six weeks thereafter, and on a day not sooner than thirty days thereafter.

11. When a new election is ordered, or the incumbent adjudged not to be entitled, his powers shall immediately cease; and if the office is not adjudged to another, it shall be deemed to be vacant.

Dec. 22.]

12. If any member of the board willfully fail to attend its sessions, he shall be reported to the house to which he belongs, and, thereupon, such house shall, in its discretion, punish him by fine or imprisonment.

13. If no decision of the board is given during the then session of the legislature, it shall be dissolved, unless, by joint resolution of the two houses, it is empowered to continue longer.

§ 2. When the election of a member of the general assembly is contested, that branch of the legislature to which he belongs, within three days after its organization, shall, in like manner, select a board of not more than nine nor less than five of its members, for determining the contest; which board shall be governed by the same rules, have the same power, and be subject to the same penalties as would the board to determine the contested election of governor, and shall report its decision to that branch of the legislature by which it was appointed, for its further action.

§ 3. The governor, attorney general, auditor, treasurer, and secretary of state, or any three of them, shall be a board, with like powers as those named in the last section, for determining the contested election of any officer, other than governor or lieutenant governor, elective by the voters of the whole state, or of a judge or clerk of the court of appeals, circuit judge, chancellor of the Louisville chancery court, or commonwealth's attorney.

1. Each member of the board, before entering on his duties as such, shall be sworn by some judge or justice to try the contested election, and give true judgment thereon, according to the evidence.

2. The board and its acts shall be governed by the rules named in the first section of this article, where the same are applicable to its duties.

3. A majority of the board shall be necessary to a decision, which shall be in writing, and signed in duplicate by the members concurring therein—one copy to be retained in the secretary's office, and the other delivered to the successful party, or sent to him by mail.

4. The governor shall, immediately after such decision, issue the proper commission, or order a new election, as the case may require.

§ 4. The judge of the county court and the two justices of the peace residing nearest to the court house in each county, shall be a board, with like powers as those named in the last section, for determining the contested election of any officer elective by the voters of the county or any justices' district therein, or of any police judge, clerk, or marshal, except members of the general assembly. If any of said persons are absent from the county or cannot properly act, then said board shall be filled by adding thereto—first, the county court clerk, then the justice of the peace who resides next nearest to the court house, and so on, excluding such as cannot properly act, till the board is full. If either party shall make affidavit, and file the same with a county board, that such party verily believes that either or both of said justices will not give a fair and impartial trial, then the board shall be filled by other justices in lieu of those thus objected to.

1. The board shall be governed by the rules named in the first and third sections, where the same are applicable to its duties.

2. The decision of the board shall be given in writing and signed in triplicate, one copy to be entered on the minutes of the court, another

handed to the successful party, and the other, when necessary for obtaining a commission, forwarded by mail to the secretary of state.

3. When the decision so requires, the court shall immediately issue a writ for a new election.

§ 5. No application to contest the election of an officer shall be heard, unless notice thereof, in writing, signed by the party contesting, is given to the officer returned.

1. The notice shall state the grounds of the contest, and none other shall afterwards be heard, as coming from such party.

2. In the case of an officer elective by the voters of the whole state or any judicial district, the notice must be given within thirty days after the final action of the board of examiners. In the case of a senator or representative it must be given within fifteen days; and in that of any other officer, within ten days after such action.

3. Immediately after such notice, either party may proceed to take proof by depositions, under the same rules and regulations as govern the taking of depositions in suits in chancery, except that no *dedimus* shall be required for taking a deposition out of the state. The depositions shall be sealed up by the officer taking them, and directed to the board having power to decide the contest, or to the clerk of the senate, or clerk of the house of representatives, as the case may require.

4. Such depositions properly taken, shall be read as evidence before that branch of the legislature or the board having jurisdiction of the case; but either can, in its discretion, call for and hear other proof.

5. The taking of depositions to be used before the legislature, or either branch thereof, shall close ten days before the next meeting thereof, or, if in session when the notice is given, not until it is ordered to close; if before a county board, it shall close three weeks after the notice of the contest; and if before the other board, six weeks after the notice.

6. The case shall be heard by a county board on the fourth Monday after the service of notice; and by the other board, the eighth Monday after such service; but either may, for good cause, allow further time.

7. The costs of the proceeding shall be adjudged against the unsuccessful party, and a certificate thereof given by the board, or by the clerk of either branch of the legislature, as the case may require. A judgment for the same may be obtained after five days' notice, in a circuit or county court.

ARTICLE VIII.

Pay of officers of elections, &c.

§ 1. The costs of all elections held in any county shall be paid out of the county levy.

§ 2. Officers of elections shall receive pay as follows: judges, one dollar, each; sheriffs, one dollar, each; clerks, two dollars, each; in all elections to fill vacancies, the same fees, except that the clerk shall only receive one dollar. For comparing the returns of two or more counties in the election of a senator or representative, a sheriff shall receive two dollars, and one dollar and fifty cents for each twenty-five miles of travel in going and returning.

§ 3. The compensation to witnesses, and officers taking depositions, in cases of contested elections, shall be the same as in suits at law.

§ 4. The clerk of the county court shall have twenty-five cents for each certificate of election or appointment of an officer, to be paid by the persons receiving it.

ARTICLE IX.

Election of United States Senator.

§ 1. Senators in the congress of the United States shall be elected by *viva voce* vote of the members of the two branches of the general assembly, on joint ballot.

1. The election shall be held on the eighth day after the organization of the general assembly which next precedes the expiration of the senatorial term of the incumbent; and if no election is made on that day, the two houses may adjourn from time to time, until the election is made.

2. If a vacancy occurs, when the legislature is not in session, in an unexpired term, the election shall be held on the eighth day after the organization of the next general assembly; and if during the session of the legislature, or if notice thereof is only received during such session, the election shall be held on the seventh day next after any member of either house moves to go into an election; or, if that seventh day is Sunday, then on the next succeeding day. In either case, the election shall be proceeded with as before directed.

§ 2. When the governor is notified, by the clerk of either house, of the election of a senator, or when the governor appoints a senator, he shall give a written certificate of such election or appointment, attested by his signature and the seal of the state. If he refuses to give such certificate after an election, the presiding officer and clerk of either house may give the same over their signatures.

ARTICLE X.

Electors of President.

§ 1. The electors of president and vice president of the United States shall convene in the capitol at the seat of government, at ten o'clock in the morning of the first Wednesday in December after their election; give their votes at or after 12 o'clock, and make return thereof according to law.

§ 2. If from any cause, one or more of the electors elected fails to attend—as before directed—by twelve o'clock of that day, those in attendance shall fill the place of those absent, by the election of another person or persons, who shall have the same powers as if originally elected by the people for that purpose.

ARTICLE XI.

When officers to commence their duties.

§ 1. The governor shall commission all officers elective by the voters of the whole state, other than governor and lieutenant governor, or of any judicial district, and, also, the chancellor of the Louisville chancery court.

No officer elective by the voters of a single county shall be commissioned by the governor, except the presiding judge of the county court, a police judge, and justices of the peace.

§ 2. The term of office of every officer, not otherwise provided for, shall hereafter commence on the first Monday of September next after

his election, and expire when his successor is qualified. The officer elected shall enter on the duties of his office, after the commencement of his term, as soon as he receives his commission or certificate of election, and qualifies thereunder, by taking the oath of office, and by giving his official bond, when required by law.

The presiding judge of a county court, and a justice of the peace, shall, before entering on his duties, also, leave his commission with the clerk of the court, to be noted of record.

§ 3. Every officer appointed to fill a vacancy shall commence the duties of the office as soon as he has received his commission, or certificate of appointment, and qualified thereunder according to law.

§ 4. Every officer not otherwise provided for by the constitution, shall hold his office until his successor has duly qualified.

ARTICLE XII.

Penalties against frauds on elections.

§ 1. Any sheriff who fails to cause an election to be held, or to make, compare, and certify election returns, for senator or representative, as required by law, shall be fined from one hundred to five hundred dollars.

If he fails to perform any other duty concerning an election, or the returns thereof, for which there is no penalty specifically prescribed, he shall be fined from twenty to two hundred dollars.

§ 2. Any judge or clerk of an election, who, after due notice of his appointment, shall fail to perform his duty as such in holding any election—unless for good cause—shall be fined from ten to one hundred dollars.

§ 3. Any officer who, without sufficient excuse, fails to discharge his duty after any election, as one of a board for comparing the poll-books or election returns, or to decide a contested election, shall be fined from twenty to two hundred dollars.

Any officer who shall act corruptly, or with manifest partiality, in the discharge of such duty, shall be fined from one hundred to five hundred dollars; and shall also, in addition, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 4. Any officer or other person who shall fraudulently alter, obliterate, or willfully secrete, suppress, or destroy the certified poll-book or certificate of an election, or fraudulently and unlawfully alter the poll-book before it is certified, shall be deemed guilty of forgery, be confined in the penitentiary from one to five years, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 5. Any officer who shall make, or aid in making, or authorize the making up of any false and fraudulent poll-book or certificate of an election, or election return, shall incur the penalties of the last section.

§ 6. Any officer whose duty it is to give, or aid in giving a certificate of election, or of the returns of an election, or to forward the same, who shall willfully and fraudulently refuse or fail to give the same, or to send the same to the secretary of state, as required by law, shall be imprisoned from one to six months, and fined not more than a thousand dollars, forfeit any office he may then hold, and be disqualified from ever holding any office.

§ 7. Any person who shall counsel, advise, or procure the commission, or aid in the commission of either of the offenses named in the last two sections, shall incur thereby the penalty therefor, as therein named.

§ 8. Any judge, sheriff, or clerk, who shall receive, or assent to receive, or record a vote at an election, at any other time or place than that lawfully appointed, and any judge or sheriff who shall knowingly and unlawfully receive the vote of any other than a qualified voter, or so refuse to receive the vote of a qualified voter, shall, for every such offense, be imprisoned from one to six months, or fined from fifty to five hundred dollars, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 9. Any resident of this state who shall vote at any election, before he has resided two years in the state, or in the county and precinct where the election is held, the time required by law, or before he has attained full age, or before he has been duly naturalized, shall be fined from fifty to one hundred dollars, or imprisoned from ten to ninety days, or both.

§ 10. Any resident of another state or country, or any person who shall vote more than once at an election; any person who shall vote by means of a false personation and use of the naturalization papers of another person, dead or living; and any person who shall lend or hire his naturalization papers to be used for such purpose, shall be imprisoned not less than one month or more than one year.

§ 11. Any person guilty of receiving a bribe for his vote at an election, or for his services or influence in procuring a vote or votes at an election, shall be fined from fifty to five hundred dollars, or imprisoned from one to twelve months.

1. "Bribe" or "bribery" means any reward, benefit, or advantage, present or future, to the party influenced or intended to be influenced, or to another at his instance, or the promise or hope of such reward, benefit, or advantage.

2. Money, or other thing of value, given or lent, in whole or in part, to be betted on the result of an election, or the promise thereof; or a bet with another, that such other will vote for a named candidate; and the gift or promise of a share in any such bet, made or to be made, shall be deemed a bribe.

3. Whoever shall receive money, or other thing of value, to be used for the purpose of procuring or influencing a vote or votes in any way, shall be deemed to have been bribed.

§ 12. Whoever shall bribe another, or offer to bribe another, as in the last section named, shall, on conviction, be fined from twenty to two hundred dollars, or imprisoned from ten to ninety days, or both so fined and imprisoned.

§ 13. Any person who, by himself or in aid of others, shall forcibly break up or prevent, or attempt to break up or prevent, the lawful holding of an election, or so obstruct or attempt to obstruct the same, or so prevent or attempt to prevent any qualified voter from giving his vote, shall be fined from fifty to five hundred dollars, or imprisoned not more than one year.

§ 14. Any person who shall make any willfully false statement under an oath duly administered at an election, shall be deemed guilty of perjury, and incur the penalty for that crime.

Any person who shall willfully and corruptly procure another to make such false statement, shall be deemed guilty of subornation of perjury, and incur the like penalty.

§ 15. Any person condemned to confinement in the penitentiary for lar-

ceny, robbery, forgery, counterfeiting, or perjury, or any such like crime, shall forfeit his right of suffrage for ten years after his conviction.

§ 16. It shall be the special duty of a sheriff, judge, or clerk of an election, to give information of all infractions of this act to the grand jury, or commonwealth's attorney; and, where there is reason to fear that an offender will make his escape out of the county before indictment, to procure his immediate apprehension.

The officer before whom such offender is brought, if satisfied of his guilt, shall require from him surety in adequate penalty for his appearance at the next circuit court, to answer the charge; and, on his failure to give it, commit him to prison till such surety is given.

§ 17. This chapter shall be liberally construed, so as to prevent any evasion of its prohibitions and penalties by shift or device.

It shall also be given specially in charge to the grand jury of every county first convened after any general election.

§ 18. A grand jury may cause any person to be summoned before them as a witness, who shall be compelled to testify as to any knowledge he may possess, touching any violation of law in relation to elections in the county during the preceding eighteen months; and if he refuses to testify on oath, he shall be committed to prison until he submits, and be fined from ten to thirty dollars by the court, and a like sum for each daily repetition of the contempt.

§ 19. In any prosecution under this chapter, it shall be no exemption for a witness that his testimony may criminate himself; but no such testimony given by a witness, shall be used against him in any prosecution, except for perjury; and if used on behalf of the commonwealth, he shall stand discharged from all penalty for any violation of this chapter, so necessarily disclosed in his testimony, as tending to convict the accused. But the jury shall never convict any one under the provisions of this chapter, upon the testimony of a single witness, unless sustained by strong corroborating circumstances.

§ 20. No prosecution shall be had under this chapter, unless the same is commenced within eighteen months from the time of the commission of the offense.

§ 21. A commonwealth's attorney shall, as his taxed fee, receive a fifth of any penalty recovered under this act.

The yeas and nays being required thereon by Messrs. Gholson and Walker, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	William A. Hooe,	John Shawhan,
Thomas J. Blincoe,	Thomas N. Lindsey,	Samuel A. Spencer,
Eli Bozarth,	Lewis L. Mason,	Shelby Stone,
Joseph S. Conn,	Martin D. McHenry,	John D. Taylor,
John Cunningham,	Reuben Munday,	John J. Thomasson,
Ira Ellis,	Thompson S. Parks,	John C. Walker—20.
John A. Goodson,	James F. Robinson,	

Those who voted in the negative, were

William J. Berry,	Richard D. Gholson,	Preston H. Leslie,
Henry G. Bibb,	Ben. Hardin,	John G. McFarland,
William Bradley,	James W. Irwin,	Isaac P. Miller—9.

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A resolution from the House of Representatives, extending the session of the General Assembly, was taken up, and after some discussion had thereon,

The Senate adjourned.

TUESDAY, DECEMBER 23, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz :

An act to regulate the times of holding the courts of Justices of the Peace.

An act to re-establish a portion of the line between the counties of Hickman and Graves.

An act to change the time of holding the Perry county and quarterly courts.

An act to change the time of holding the Johnson quarterly and county courts.

An act changing the time of holding the quarterly courts of the county judge of Henry.

An act for the benefit of John Betts, jailer of Fulton county.

An act concerning the court of claims in Shelby county.

Act allowing an additional Magistrates' and Constable's district in Morgan county.

An act to establish the line between the counties of Knox and Clay.

An act to change the time of holding the Logan quarterly courts.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz :

An act changing part of the line between Shelby and Oldham counties.

An act relating to the poll tax in Campbell county.

An act to change the line of a voting district in Logan county, and a justices' district in Boone county.

An act to change the county line between the counties of Grant and Kenton.

An act to change the voting place in district No. 4, in Henderson county.

An act to change the line between districts Nos. 1 and 2, in Lincoln county.

An act for the benefit of the keepers of livery stables.

An act to provide for a compensation for the Presiding Judge of County Courts.

An act to authorize the County Court of Allen to re-district election precincts, and establish one additional justices' district and election precinct in said county.

An act to provide for the completion of the Second Kentucky Lunatic Asylum.

Mr. Cunningham presented the petition of sundry citizens of Bath county, praying for a change in the time of holding the quarterly court of said county, which was received, the reading dispensed with, and referred to the committee on County Courts.

Mr. McHenry, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles, viz:

1. An act to empower the city of Newport to convey lot No. 3, in said city.
2. An act to amend the charter of the town of Danville.
3. An act to amend an act incorporating the Richmond Cemetery Company.

Reported the same without amendment.

Ordered, That the 1st and 3d bills be read a third time, and the 2d be read a third time on to-morrow at 10 o'clock.

The constitutional provision as to the third reading of the 1st and 3d bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law regulating proceedings in criminal cases, reported the same with the expression of opinion that it ought not to pass.

Said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in the trial of indictments for felony hereafter found by a grand jury, in any of the courts of this commonwealth, the attorney prosecuting for the commonwealth may challenge peremptorily as many as five jurors, without assigning cause therefor.

Mr. Leslie moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Taylor, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	John A. Goodson,	Jefferson Percifull,
Henry G. Bibb,	Walker W. Haley,	William Preston,
Eli Bozarth,	William A. Hooe,	James F. Robinson,
William Bradley,	James W. Irwin,	Samuel A. Spencer,
Radford M. Cobb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	John G. McFarland,	John J. Thomasson,
John Cunningham,	Reuben Munday,	John C. Walker—23.
Ira Ellis,	James P. Orr,	

Those who voted in the negative, were

William J. Berry,	Lewis L. Mason,	Thompson S. Parks,
Thomas J. Blincoe,	Martin D. McHenry,	John Shawhan,
Richard D. Gholson,	Isaac P. Miller,	Shelby Stone—10.
Thomas N. Lindsey,		

Mr. McHenry, from the same committee, reported bills of the following titles, viz :

1. A bill giving further time to persons who have brought slaves into this state, since the 24th February, 1849, to take the oaths required by an act approved that date.

2. A bill to change the lines of the Justices' and Constables' districts Nos. 1 and 3, in Green county.

3. A bill to authorize the county of Henry to subscribe stock in the Louisville and Covington Railroad Company.

4. A bill to allow Justices of the Peace and others to take depositions.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st be placed in the orders of the day, and that the 2nd, 3d, and 4th, be engrossed and read a third time.

The constitutional provision as to the third reading of the 2nd, 3d, and 4th bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill to authorize the election of a Police Judge, Marshal, and Tax Commissioner in the town of Columbus, reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Speaker laid before the Senate a communication from the Hon. Henry Clay, resigning his seat in the United States Senate, which was read as follows, viz:

WASHINGTON, 17th December, 1851.

To the General Assembly of Kentucky:

When you did me the honor to confer on me the appointment of a senator from Kentucky, which I now hold, in accepting it I did not intend or expect to serve the entire term of six years. I had previously retired finally, as I supposed, from that body. But out of the territorial acquisitions, resulting from the war with Mexico, momentous questions arose, seriously menacing the harmony and peace, if not the integrity, of the Union. I felt it to be my duty to return again to the senate, and to contribute my humble aid, by an amicable settlement of those questions, to avert the calamities with which we were threatened. Such a settlement was attempted during the last congress, is now in progress of execution, and I trust and hope will accomplish all the good that could be expected from any great measure, adopted to heal national divisions and animosities which had risen to such an alarming height.

On the approach of the present congress, it was with much hesitation, proceeding partly from my feeble state of health, that I concluded to return, for the last time to the senate. But I have no thought of ever again taking a seat in that body, after the close of the present session. Having come to this determination, I consider it incumbent on me to place it in the power of the general assembly to appoint my successor during its present session.

I do, therefore, hereby resign the office of a senator of the United States from the state of Kentucky, this my resignation to take effect on the first Monday of September, 1852.

In dissolving this official relation, in which I stand to the general assembly, I cannot forbear renewing an expression of my great obligations, and my profound gratitude, for the many distinguished and gratifying proofs which it has given to me of its confidence and attachment.

I have the honor to be,

With the highest respect,

Your faithful and obedient servant,

H. CLAY.

Mr. McHenry read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That on Monday, the 29th inst., the two Houses will, on joint ballot, proceed to elect a Senator in Congress, to fill the vacancy occasioned by the resignation of Hon. Henry Clay, this day communicated.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said resolution was taken up, twice read, and adopted.

Mr. Preston moved that the Senate and House of Representatives proceed, on Tuesday next, to the election of a Senator in Congress, to fill the place of Hon. H. Clay, who has communicated his resignation.

The Senate, according to order, took up a bill to authorize the New Orleans, Jackson, and Northern Railroad Company to extend their railroad from the southern boundary line of the state of Kentucky, to the Ohio and Tennessee rivers, within certain prescribed limits therein named in this state.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate, according to order, took up for consideration a bill to appropriate money to the erection of a bridge across Straight creek, in Harlan county, which was read a third time.

Mr. Bozarth moved to amend said bill by adding thereto the following engrossed clause by way of rider, viz :

"Be it further enacted, That the sum of \$500 be appropriated for the construction of a bridge across Rough creek, at the Great Falls, where the state road crosses the same from Cloverport to Bowlinggreen, in Grayson and Breckinridge counties; and that the county court of each county appoint three commissioners to superintend in letting out said work, and contracting for the completion of the same by letting out the same to the lowest bidder, and taking bond and approved security of the purchaser."

And the question being taken on the adoption thereof, it was decided in the negative.

Mr. Orr moved to amend said bill by adding thereto the following engrossed clause by way of rider, viz :

"Be it further enacted, That four hundred and fifty dollars be appropriated to the erection of a bridge at Little Lick, upon Eagle creek, in Owen county."

And the question being taken on the adoption thereof, it was decided in the negative.

The question was then taken on the passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting therefor.

The yeas and nays being required thereon in accordance with the constitution, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,
Henry G. Bibb,
Thomas J. Blincoe,
William Bradley,

John Cunningham,
John L. Elliott,
William A. Hooe,
Thomas N. Lindsey,

Reuben Munday,
Thompson S. Parks,
Jefferson Percifull,
James F. Robinson,

Wallace W. Brown,
Radford M. Cobb,
Joseph S. Conn,

Lewis L. Mason,
Martin D. McHenry,

Samuel A. Spencer,
John D. Taylor—19.

Those who voted in the negative, were

William J. Berry,
Eli Bozarth,
Ira Ellis,
John A. Goodson,
Richard D. Gholson,

Walker W. Haley,
James W. Irwin,
Preston H. Leslie,
John G. McFarland,
James P. Orr,

John Shawhan,
Thomas J. Smith,
Shelby Stone,
John J. Thomasson,
John C. Walker—15.

Bills from the House of Representatives of the following titles, were read the first time, viz:

An act to incorporate the town of Kiddville, in the county of Clarke.

An act to establish the county of Powell.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the committee on the Judiciary, and the 2d to the committee on Propositions and Grievances.

The Senate resumed the consideration of the bill to revise the Statute Laws of this State.

The 22d chapter of said bill was amended to read as follows, viz:

CHAPTER 22.

COURTS.

ARTICLE I.

COURT OF APPEALS.

Concerning its jurisdiction.

§ 1. The court of appeals shall have jurisdiction, by appeal or writ of error, in matters of law, from the final order, judgment, or decree of any inferior court, except as otherwise provided in this chapter.

No appeal shall lie unless where the order, judgment, or decree relates to an office, franchise, or freehold, or is against a divorce, if the matter in controversy does not amount, in value, to one hundred dollars, exclusive of interest and cost.

1. No writ of error or appeal shall lie in cases of felony; nor from a judgment under the acts concerning riots, routs, unlawful assemblies, and disturbances of religious worship; nor from a judgment, order, or decree from which an appeal is allowed to the circuit or county court; nor to a judgment of the county court disposing of an appeal thereto; nor from an order or judgment of any court punishing a contempt; nor from the judgment of a justice of the peace or the presiding judge of a county; nor from the judgments in any case of any tribunal not having jurisdiction in such cases beyond that of a justice.

2. No writ of error shall lie to a bond not having the force of a judgment.

ARTICLE II.

General provisions.

§ 1. The court of appeals has power to administer oaths, punish contempts, make rules for the government of its proceedings, not contrary to law or the constitution.

§ 2. A judge of the court of appeals shall have the power to reinstate attachments, injunctions, and restraining orders.

ARTICLE III.

Concerning Appellate Judicial Districts.

§ 1. The state is divided into four appellate judicial districts, as follows:

1. The first district shall be composed of the counties of Mason, Nicholas, Bourbon, Clarke, Madison, Rockcastle, Lewis, Fleming, Bath, Montgomery, Estill, Laurel, Whitley, Harlan, Knox, Clay, Owsley, Letcher, Perry, Breathitt, Morgan, Lawrence, Carter, Greenup, Johnson, Floyd, Pike, and Pulaski.

2. The second district shall be composed of the counties of Bracken, Pendleton, Campbell, Kenton, Boone, Gallatin, Carroll, Trimble, Henry, Owen, Grant, Harrison Scott, Fayette, Jessamine, Garrard, Boyle, Mercer, Anderson, Franklin, Woodford, Shelby, and Oldham.

3. The third district shall be composed of the counties of Jefferson, Bullitt, Nelson, Spencer, Hardin, Meade, Larue, Hart, Barren, Monroe, Cumberland, Clinton, Wayne, Russell, Casey, Lincoln, Washington, Marion, Taylor, Green, and Adair.

4. The fourth district shall be composed of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, Crittenden, Union, Hopkins, Caldwell, Trigg, Todd, Logan, Simpson, Warren, Allen, Christian, Henderson, Muhlenburg, Daviess, Ohio, Butler, Edmonson, Hancock, Grayson, and Breckinridge.

ARTICLE IV.

Concerning special Judges.

§ 1. Whenever a majority of the judges cannot sit on the trial of a cause or causes pending in said court, for the reasons prescribed in the constitution, the governor shall select a judge or judges from the members of the bar, or circuit judges of the state, to act with the other judges, as the court, in hearing or deciding such cause or causes; the court shall appoint a day for the trial of such cause or causes; and the court, so organized, may meet and adjourn from day to day, until it disposes of its business.

§ 2. If any of the special judges, so selected, refuse or fail to act, the vacancy may be supplied in like manner.

§ 3. When it becomes necessary to select judges, as provided in the last preceding section, the court shall make an entry of the fact on its record and cause a copy of it to be delivered to the governor, who shall, thereupon, select and commission special judges for the occasion, and cause their commissions to be delivered to them; and the clerk shall notify the persons selected of the time fixed for the trial of the cause or causes.

§ 4. The parties may select the judge or judges provided for in the preceding section, or permit any one of the judges of the court of appeals to make the selection; and the judges so selected may proceed to act without commission.

§ 5. Every judge of the court of appeals, and every person selected for the trial of special causes, before he enters on the discharge of his

duties, must, in addition to the oaths prescribed in the constitution, take the following oath:

I, A. B., do solemnly swear, (or affirm,) that I will administer justice, without respect to persons, and do equal right to the poor and to the rich, and I will faithfully and impartially discharge all the duties incumbent on me as a judge of the court of appeals, according to the best of my ability.

§ 6. The commissions of judges, the selection of temporary judges, the reason for such selection, and the fact that the requisite oaths have been taken, must be entered on the order book of the court.

ARTICLE V.

Concerning its proceedings.

§ 1. The writs and process, and mode of proceeding in the court of appeals, as now established, shall remain until changed or abolished by rule or order of court.

§ 2. No suit, process, matter, or thing returned to or pending in the court of appeals, shall be discontinued, although a quorum of the judges may fail to attend at the commencement, or on any other day of a term.

§ 3. If a quorum of the judges do not attend on the first day of the term, the court shall stand adjourned from day to day for ten days, unless a quorum sooner attend. If, for any cause, the court does not sit on any day of a term, the court shall not be thereby adjourned, but may meet again and proceed to business on any other day prior to the next succeeding term.

§ 4. The court may adjourn from time to time to suit its convenience, not beyond the commencement of the next regular term; and if, from any cause, a quorum be not present, the judge or judges in attendance may so adjourn. The period of such adjournment shall not be computed, under the rules of the court, a part of the term.

§ 5. All process issued from the court shall bear teste in the name of the clerk.

§ 6. The decisions of the court must be so written as to show the governing principles thereof, except in cases involving matter of fact only.

The courts must deliver written opinions on all motions made in the court, which involve any principle of law or rule of practice not previously settled by the court and reported.

§ 7. The court shall annually appoint one of the judges thereof to inspect the clerk's office of the court, and to report its condition to the next term thereof; which report shall be placed on the records of the court, and such action taken thereon as may seem proper.

§ 8. If the court is equally divided in the decision of a cause, the judgment, decree, or order of the inferior court, is to stand affirmed.

§ 9. The court shall annually hold two terms, commencing on the first Mondays in June and December, and shall sit sixty juridical days at each term, and longer, if the business require it.

ARTICLE VI.

Concerning the reporting of its decisions.

§ 1. The court of appeals shall, biennially, appoint a reporter of its decisions.

1. The appointment must be entered on its records.

2. The court shall direct to be published such decisions delivered by them, as settle new or doubtful questions.

§ 2. The reporter shall have the decisions of the court printed in letters and on paper of a proper size and of superior quality.

§ 3. The reporter shall be allowed by the state after the rates of one dollar for every hundred pages of the decisions, tables, and indexes so printed and well bound in calf skin, with good indexes and marginal notes.

1. The court must certify that the work meets their approbation, and was published by their consent.

2. Upon the deposit of two hundred copies of a volume of reports so published, with the secretary of state, the secretary shall draw an order on the auditor of public accounts for the price, which shall authorize the auditor to issue a warrant on the public treasury for such price.

ARTICLE VII.

CIRCUIT COURTS.

Their appellate jurisdiction.

§ 1. Appeals and writs of error lie from the decisions of county courts to the circuit court of the same county in all controversies concerning the establishing, alteration, or discontinuance of ferries, roads, and pass-ways, and in all cases concerning the probate of wills, and from orders concerning mills or water works, and from orders refusing or allowing dams to be built across water courses.

§ 2. Appeals lie to the circuit court from the decisions of the quarterly courts, and of justices of the peace, and of other tribunals having the like civil jurisdiction as justices of the peace, in all civil cases where the amount in controversy, exclusive of interest and costs, is sixteen dollars and upwards; and in all actions of trespass, and trespass on the case, before justices of the peace, the party aggrieved shall have the right of appeal to the circuit court of the county in which the case is tried.

ARTICLE VIII.

Original jurisdiction.

§ 1. The circuit court has original jurisdiction of all matters, both in law and equity, within its county, of which jurisdiction is not, by law, exclusively delegated to some other tribunal; and has all power necessary to carry into effect the jurisdiction given.

ARTICLE IX.

Power of Circuit Judges out of court.

§ 1. Each circuit judge shall be a conservator of the peace throughout the state.

And he may grant writs of error *coram vobis et nobis*.

ARTICLE X.

Concerning judicial districts.

§ 1. The state is divided into twelve circuit court judicial districts, as follows:

First District.—Fulton, Hickman, McCracken, Graves, Calloway, Marshall, Livingston, Crittenden, and Ballard.

Second District.—Caldwell, Trigg, Christian, Todd, Hopkins, Union, and Henderson.

Third District.—Daviess, Hancock, Ohio, Grayson, Breckinridge, Meade, Hardin, Muhlenburg, and Larue.

Fourth District.—Butler, Logan, Simpson, Allen, Monroe, Barren, Hart, Edmonson, and Warren.

Fifth District.—Cumberland, Clinton, Wayne, Pulaski, Casey, Lincoln, Taylor, Green, Adair, and Russell.

Sixth District.—Bullitt, Jefferson, Spencer, and Shelby.

Seventh District.—Nelson, Washington, Marion, Mercer, Boyle, Garrard, and Anderson.

Eighth District.—Oldham, Henry, Trimble, Carroll, Owen, Gallatin, Boone, Grant, and Kenton.

Ninth District.—Campbell, Pendleton, Mason, Bracken, Nicholas, Harrison, Bourbon, and Scott.

Tenth District.—Bath, Fleming, Lewis, Greenup, Carter, Lawrence, Montgomery, and Morgan.

Eleventh District.—Franklin, Woodford, Jessamine, Fayette, Madison, Estill, and Clarke.

Twelfth District.—Rockcastle, Knox, Harlan, Laurel, Whitley, Clay, Perry, Owsley, Letcher, Breathitt, Floyd, Pike, and Johnson.

ARTICLE XI.

Concerning the time of holding courts.

§ 1. A circuit court shall be holden at the court house in each of the counties in the state. It shall be a court of record. The terms shall be holden at the times required by law.

§ 2. When the business of the court may require it, the judge, by order of the court, shall extend the time of such court, when it can be done without interfering with any other term of a court in his district.

ARTICLE XII.

Concerning special terms.

§ 1. When the business requires it, a circuit judge may hold a special term in any county in his district for the trial of chancery, penal, or criminal causes, or either. Preparatory steps and interlocutory orders may be taken in any civil cause, at any stated or special term for the trial of chancery, criminal, or penal causes.

1. The judges may, in term time, or in vacation, order a grand and petit jury to be impaneled at any special term.

2. If the order be made in vacation for a special term, notice thereof shall be posted up at the court house door, ten days before the commencement, and parties to a suit may agree that the court shall hold a special term for the trial of such suit without notice.

3. All orders for or concerning a special term must be entered on the records of the court.

ARTICLE XIII.

Concerning special Judges.

§ 1. When, from any cause, the judge of the circuit court fails to attend, or if in attendance, cannot properly preside in a cause or causes pending in such court, the attorneys of the court who are present, shall

elect one of its members then in attendance, to hold the court for the occasion, who shall accordingly preside and adjudicate.

1. The election shall be held by the clerk, and in case of a tie, he shall give the casting vote.

2. The person elected shall, during the period that he acts, have all the powers and be liable to all the responsibilities of a circuit judge.

3. He shall be paid for his services a sum bearing the same proportion to the salary of the circuit judge as the time he may serve shall bear to the whole number of juridical days in said circuit.

4. The period of service must be certified by the clerk to the auditor of public accounts, who shall ascertain the amount and draw his warrant on the treasury therefor; and the same shall be deducted from the judge's salary.

5. If the person first elected to act as judge *pro tempore* fails or refuses to act, or cannot properly preside, another election shall be held, in like manner, from time to time, until a suitable person is chosen who can and will preside.

6. Or the parties may agree upon an individual to preside, and the person agreed on shall have the same power and be paid in the same manner as if elected by the bar.

§ 2. Every judge of the circuit court, and every special judge, before entering on the discharge of his duties, must, in addition to the oaths prescribed by the constitution, take an oath as follows:

I, A. B., do solemnly swear, (or affirm,) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge all the duties incumbent upon me as a judge, according to the best of my abilities.

§ 3. The commissions of judges, the selection of temporary judges, the reason of such selection, and the fact that the requisite oaths have been taken, must be entered on the order book of the court.

ARTICLE XIV.

Duties of the Court.

§ 1. If a court does not sit at any term, or does not continue to sit the whole term, or shall not, before the end of the term, have heard and determined all the causes pending in court, the causes on the docket, or such of them as are not disposed of, shall stand continued until the succeeding term, without any special order or fee to the clerk for such continuance.

§ 2. If, after a court has been opened at any term, it does not, from any cause, sit on any day of the term, there shall be no discontinuance of the court, or of the suits pending in the court; but so soon as the cause is removed the court may proceed to business until the end of the term, if the business require it.

ARTICLE XV.

CONCERNING THE FRANKLIN CIRCUIT COURT.

§ 1. The Franklin circuit court shall have jurisdiction, in behalf of the commonwealth, of all causes, suits, and motions against clerks of courts, collectors of public money, and all public debtors or defaulters of any denomination, and others claiming under them; and for this purpose its jurisdiction shall be co-extensive with the state.

ARTICLE XVI.

§ 1. The judge of the Franklin circuit court shall hold a term on the last Monday in January in each year for the trial of suits and motions in behalf of the commonwealth, and continue in session for six days, or longer, if the business require it.

§ 2. The court may try such causes at its regular terms; motions may be set for trial on any day of the special or other terms.

ARTICLE XVII.

QUARTERLY COURT.

Concurrent original jurisdiction.

§ 1. The quarterly court of the presiding judge of each county shall have concurrent original jurisdiction, both in law and equity, with justices of the peace, in all civil cases.

But this section shall not authorize the trial of a cause of which a justice has jurisdiction, out of the justice's district in which all the defendants reside, if any of the defendants reside in the county, without the consent, in writing, of the defendant or defendants; and unless such consent be given, the officer executing the warrant shall return the same for trial before a justice of the peace in the district of the defendant's residence.

§ 2. It shall have jurisdiction throughout the county in proceedings against constables for defalcation in office.

§ 3. It shall have concurrent jurisdiction with the circuit court in all civil cases where the amount in controversy does not amount to one hundred dollars, exclusive of interest and costs, and where the right to or boundary of real estate is not drawn in question.

§ 4. It has power to impanel a jury of bystanders, but such juries are to receive no compensation for their services, unless they sit longer than one day.

ARTICLE XVIII.

Powers of the Presiding Judge out of court.

§ 1. The presiding judge of the county court shall be a conservator of the peace within his county.

He shall, also, have all the powers of a justice in penal and criminal proceedings, and of a court of inquiry in such proceedings.

§ 2. The presiding judge of the county court is authorized to grant injunctions, and attachments at common law or in chancery, from his own court or the circuit court of his county.

1. He shall have jurisdiction to hold inquests upon idiots and lunatics.

2. He shall keep a record of all his official acts out of court, and in or out of court he shall have power to administer oaths.

ARTICLE XIX.

When to be held, and its duties.

§ 1. The presiding judge of the county in each county shall hold a quarterly term at the court house thereof, at the times prescribed by law.

§ 2. The court shall remain in session at each term until it disposes of all the business on docket.

§ 3. Process returnable to the quarterly court may, at the discretion of the plaintiff, be directed to the sheriff or coroner, or to a constable.

§ 4. The presiding judge of the quarterly court shall act as clerk of his own court, and issue all process returnable thereto. He shall keep a docket, order book, and execution book.

1. In making out his docket, and in drawing up the proceedings of the court, in keeping an execution book, and in every other ministerial act done by him, he shall be governed by the laws prescribing the duties of clerks.

2. The court must, by rule, fix a monthly return day of executions, and other rules to govern its proceedings.

§ 5. When the sum in controversy is over fifty dollars, a tax of fifty cents shall be paid to the presiding judge by the plaintiff in each cause before suing out the original process therein, which shall be annually accounted for and paid into the treasury in the same manner that clerks of circuit courts are required to account for and pay over similar taxes.

§ 6. Copies of records in the quarterly county court, certified by the judge, shall be evidence.

§ 7. In controversies over fifty dollars, the fees of the presiding judge and officer executing the process shall be the same that the circuit court clerk and sheriff are entitled to for similar services, shall be due at the same time, and collectable in the same manner.

1. In controversies not exceeding fifty dollars, the presiding judge and other officer's fees shall be the same, and be due at the same time, and collectable in the same manner, that justices' and constables' fees are due and collectable for similar services.

2. The presiding judge shall be liable to the same penalties, in the same manner for issuing an illegal fee bill, or making an illegal charge, that justices of the peace are now liable to in similar cases.

§ 8. In cases before the quarterly court, where the sum in controversy is over sixteen dollars, exclusive of interest and costs, either party may have a change of venue to the circuit court of the same county, by order of a circuit judge, upon the person desiring the change making affidavit that he does not believe he can obtain a fair trial before the presiding judge.

ARTICLE XX.

COUNTY COURTS.

Concerning their original jurisdiction.

§ 1. In addition to the jurisdiction given to the county courts by the revised statutes, or any statute of a local character, they shall severally have jurisdiction within their respective counties—

1. To lay and superintend the collection and disbursement of the county levy.

2. To erect, superintend, and repair all needful public county buildings and structures.

3. To superintend and control the fiscal affairs and property of the county, and to make provisions for the maintenance of the poor.

§ 2. The county court may impanel a jury of bystanders, if either party requires it, on the trial of cases in bastardy; such juries shall receive no compensation for their services.

§ 3. It shall have all incidental power necessary to carry into effect its jurisdiction.

ARTICLE XXI.

Concerning their appellate jurisdiction.

§ 1. It has jurisdiction of all civil cases by appeal from the decisions of justices of the peace, where the amount in controversy, exclusive of interest and cost, is over four dollars, and is under sixteen dollars.

ARTICLE XXII.

Who to compose County Courts, &c.

§ 1. The office of associate judge of the county court is abolished.

§ 2. A county court shall be held in each county, at the seat of justice thereof, by the presiding judge of the court, on the days prescribed by law.

1. But at the court of claims, which shall be held in October of each year, the justices of the peace of the county shall sit with the presiding judge and constitute the court. If the circuit court of any county is held in October, then the court of claims for such county must be held in November.

2. A majority of the justices in commission in the county, and the presiding judge, shall constitute a quorum to do business.

3. The presiding judge may cause the justices of the county to be summoned to attend at other terms of the court, if he thinks proper.

4. But justices of the peace shall only compose a part of the court when it is engaged in laying the county levy, and in appropriating money, and in transacting other financial business of the county.

5. The justices who attend court and assist in transacting business shall each be allowed one dollar per day for his services, to be paid out of the county levy.

6. If a majority of the justices of the county do not attend at a court of claims, or at any other court, when summoned to attend, the court may be adjourned from day to day, until a quorum shall attend; and an attachment may be awarded against defaulters to coerce their attendance.

§ 3. The presiding judge of the court, before he enters on the duties of his station, must, in addition to the oaths required by the constitution, take an oath or affirmation to administer justice without respect to persons, and to do equal right to the poor and the rich, and that he will faithfully and impartially discharge the duties of his office to the best of his skill and judgment.

§ 4. The records and official papers of the county courts heretofore existing, and of the clerks' offices of such courts, shall be kept by the clerks in their offices, and held and regarded as the records and official papers of the county courts and clerks' offices of the court hereby organized in the same counties.

1. Official copies, certified by the clerks of the courts hereby organized, shall be evidence.

2. No county court clerk shall practice law in the court of which he is clerk.

3. Nor shall any practicing lawyer keep his office in any room in which the records of the clerk are kept.

§ 5. The county court is a court of record.

1. Before every adjournment, the minutes of the proceedings of the court shall be publicly read by the clerk, and corrected, if necessary, and then the same shall be signed by the judge or presiding justice.

2. The minutes signed shall be taken in a book and carefully preserved among the records; and no proceedings of the court shall be valid until the same be so read and signed.

§ 6. When a county court and a quarterly court are to be held on the same day, the former may complete its business first, or may adjourn a part of it to accommodate parties, and proceed with the business of the quarterly court.

The county court has power to adjourn from time to time, until it disposes of all the business on the docket. But no adjournment shall be to a time beyond the commencement of the next regular term of the court.

§ 7. It shall be the duty of the county court of levy and disbursements to erect and to keep a sufficient county jail.

1. On a failure to do so, each member of the court shall be liable to be indicted and fined not less than fifty nor more than one hundred dollars and costs, and shall stand committed until the same is paid. No member shall be liable, if it shall appear that he did not oppose the erection and keeping a good and sufficient jail.

2. That their representatives shall, moreover, be liable, jointly and severally, for damages to any one injured by such failure.

§ 8. The records of the county court shall, at all times, show by whom the court is holden; when justices of the peace compose a part of the court, the records must state the names of such as take their seats, and when a member leaves the bench his absence must be noted.

§ 9. If a levy be not made at the time prescribed, it may be made at a subsequent time.

ARTICLE XXIII.

Concerning settling the accounts of fiduciaries.

§ 1. The presiding judge of the county court shall make settlements with personal representatives and guardians in his county.

1. He shall be allowed one dollar and fifty cents for each settlement. If the same occupies him more than one day, then one dollar and fifty cents per day, to be paid out of the estate settled.

2. The law requiring three commissioners to be appointed to make such settlements is hereby repealed.

3. If, in any case, the judge cannot make such settlement with propriety, then the clerk of the county court may make the same. If he cannot act with propriety, the judge may appoint some discreet person, not of kin to either party, to make the settlement.

4. The judge may, if he thinks proper, appoint a standing commissioner to make such settlements.

§ 2. It shall be the duty of the presiding judge of each county, when called on by a personal representative or guardian, or committee, or any person interested, to state and settle the accounts of such fiduciary.

1. He shall have power to hear testimony on such settlement in support or in opposition to any item.

2. He must reduce to writing all verbal evidence adduced before him.

3. He is in all cases to be governed by law and justice, and shall give no credit to a fiduciary for disbursements, or for services, without evidence to justify the same.

4. His report, in writing, he shall return to the clerk of the court. The report shall show the result, giving items of debit and credit, and he shall return therewith all vouchers and evidence adduced before him on the settlement.

5. The clerk shall indorse on the report the time of filing the same, and it shall lay over one term for exceptions to be filed by any person interested.

6. If no exceptions are filed by the second term of the court, the report shall, if approved, be recorded.

7. If exceptions are taken, other evidence besides that reported may be heard, and the court shall, upon the whole case, alter or amend the report and order it to be recorded, or so order it without altering or amending it, as shall appear right and legal. The vouchers accompanying the report shall not be recorded, but must be carefully kept on file in the clerk's office.

8. Any new evidence given in court must be reduced to writing, and filed with the report.

9. Settlements so made and recorded shall be *prima facie* evidence between the parties interested.

10. Notice of the time and place of such settlement must be given to all parties interested, if resident in the county. Any fiduciary failing to settle when so notified, without good excuse, shall, on notice thereof, be fined by the county court twenty dollars.

11. Witnesses may be summoned at the instance of either party, to give evidence before the judge on the settlement, or on the trial of exceptions by the court, and their attendance may be coerced by attachment and fine.

12. In making settlements, the judge may adjourn from day to day, as long as the business requires it.

13. He may interrogate personal representatives and guardians, on oath touching any matter drawn in question in making a settlement, and their statements, when so interrogated, must be reduced to writing and returned with the report.

14. No evidence shall be presumed to have been given on a settlement except such as is reported.

ARTICLE XXIV.

OF JUSTICES OF THE PEACE.

Their jurisdiction in criminal and penal cases.

§ 1. Every justice of the peace shall be a conservator of the peace in his county.

§ 2. He shall have jurisdiction in all penal cases where the fine or penalty is so regulated by law that it cannot exceed sixteen dollars, except where the jurisdiction thereof is otherwise specially conferred.

§ 3. Two justices have jurisdiction to examine into all infractions of the penal and criminal laws, the final trial of which is cognizable in the circuit court, and when proper to send the accused on for further trial, or commit him to jail, or to allow and take bail.

§ 4. A justice shall have jurisdiction to try persons for routs, riots,

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breaches of the peace, and disorderly conduct, and for their appearance at the proper court.

1. To bind persons to keep the peace, and for their appearance at the proper court.

2. He may have a jury impaneled at the request of either party, in any case where a jury is allowed by law.

3. He may grant a new trial or rehearing of any case, civil or penal.

4. The power to grant a new trial or rehearing expires after ten days from the date of the verdict or judgment.

ARTICLE XXV.

Of civil matters.

§ 1. A justice of the peace has original common law jurisdiction in all cases of contract, written or verbal, express or implied, where the debt or damages claimed, exclusive of interest, does not exceed fifty dollars.

1. He has original jurisdiction, in law and equity, of all cases where the amount in controversy does not exceed sixteen dollars.

2. He has power to issue original or final process in any case within his jurisdiction, or which any statute may make it his duty to issue.

3. To issue subpoenas for witnesses.

4. To administer an oath in all cases where it is required by law, or necessary in the exercise of his jurisdiction.

§ 2. A justice has jurisdiction of motions against constables for failing to make proper returns, and for failing to pay over money under process from a justice.

§ 3. The jurisdiction of justices of the peace in cases of idiocy and lunacy is hereby repealed.

ARTICLE XXVI.

Chancery jurisdiction.

§ 1. He has jurisdiction by attachment in behalf of the plaintiff in a judgment for less than fifty dollars, upon which execution issues and is returned as to any part thereof no property found, against any person indebted to the defendant in the judgment.

1. He has jurisdiction of cases to subject the choses in action and personal property of non-residents, or persons who have been absent from the state four months, to the payment of demands over which a justice has legal jurisdiction.

2. The jurisdiction given by this article, (except for sums under sixteen dollars,) is concurrent with the circuit courts and quarterly courts.

§ 2. A justice has all power necessary to carry into execution the jurisdiction conferred on him.

ARTICLE XXVII.

Concerning their official oaths.

§ 1. Every justice of the peace, before he enters on the duties of his office, shall take the oaths prescribed by the constitution.

ARTICLE XXVIII.

Concerning justices' courts.

§ 1. Each justice of the peace shall hold a court (for the trial of civil causes) in his district, on a day to be fixed by the presiding judge of the

county court, in the months designated by law, and shall continue his court from day to day, until he disposes of all the business returned before him.

§ 2. Every justice's court is a court of record, and each justice shall in a book provided by him for that purpose, keep a full and fair record of his judicial proceedings.

1. He shall make and keep with such book a good index of the names of litigants, referring to the pages in the book of every entry in each cause.

2. All warrants and motions shall be docketed and tried, or continued, by justices, in the succession in which the warrants or notices of the motions are returned before him for trial.

3. Depositions may be taken and read on trials before justices in the same manner and on the same grounds as in the circuit courts, except that the same may be taken before and certified by a justice of the peace.

4. No warrant or notice shall stand for trial unless it has been executed five days before the day set for the trial thereof.

§ 3. A party to a suit pending before a justice shall have a change of venue to another justice, when he shall make oath that he believes he cannot have a fair trial in the justice's court before whom the cause is pending, and the cause may be tried out of term time by the justice to whose court it is removed.

§ 4. If the justice before whom a cause is returned for trial does not attend, or cannot try the same, any other justice of the same county may attend and try and decide the cause.

§ 5. Any justice who intends to be absent from the county in which he resides for more than a week, or if from any cause he is unable to act, shall deposit his records with some convenient justice, who may grant any appeal, or allow any traverse to be filed, give a certified copy of any judgment, or issue any process which the justice could who rendered the judgment.

1. If the books are not deposited with another justice, if he can get possession thereof, he may, at any time during such absence or disability, act as if they were so deposited.

2. If a justice shall vacate his office, the nearest justice to his residence may act, as is provided in the preceding part of this section, until the vacancy is filled.

3. The successor of a justice may act on the judgments and records of his predecessor in the same manner that the latter could do, were he still in office.

4. When a justice is appointed, the county court shall make an order directing what books of his predecessor shall be placed in his hands.

ARTICLE XXIX.

Concerning the swearing of parties.

§ 1. In trials before a justice of the peace, either party may examine the other upon oath, touching the matter in controversy, if present at the trial, or a resident of the county.

1. A summons may issue, requiring the appearance of the party whose examination is desired, if he be a resident of the county in which the case is pending.

2. If such party resides out of the county in which the trial is to be had, the opposite party may file interrogatories with the justice before whom the cause is pending, and swear that if answered truly they are necessary to obtain justice; a copy thereof must be delivered to the party to be interrogated, who shall make out, swear to, and file with the justice a plain direct response to the interrogatories, which may be read on the trial by either party.

3. The justice shall render judgment against a party who refuses to make a proper response to interrogatories, or to attend and answer before the justice when called on or summoned for that purpose, as herein provided.

§ 2. The three preceding subsections shall apply to the trial of appeals from justices' courts.

ARTICLE XXX.

Concerning lost judgments.

§ 1. When the records of a justice are destroyed or lost, and a judgment so destroyed or lost remains unsatisfied, he may, on proper notice, render a new judgment for whatever is due.

1. If, on the trial, the judgment appears to be satisfied, such justice shall give judgment for the defendant's costs.

2. The justice shall state in his record of such trials that the proceedings are founded on a judgment which has been lost or destroyed. An appeal lies from such judgments as in other cases.

ARTICLE XXXI.

Miscellaneous provisions.

§ 1. No justice shall sign, or knowingly permit his name to be signed to a blank warrant, under pain of being presented and fined ten dollars.

§ 2. On request, a justice shall give to any person desiring the same, a certified copy of any record and proceedings in his custody, which copy shall be legal evidence.

§ 3. Justices may hold a court any time for the trial of criminal or penal causes of which they have jurisdiction.

Mr. Leslie moved to amend the 5th section of the 22d article of said chapter, by adding the following:

After the word "record," in the first line, add this: "And shall have concurrent jurisdiction with the circuit court to order the sale of real estate in their respective counties, where the same shall be necessary, to pay debts against the estate of a decedent whose personal estate does not amount to five hundred dollars; and when such sale is so made, and the money collected, to apportion the same among the creditors of such estate, and to cause such land to be conveyed to the purchaser."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Leslie and Brown, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,
Eli Bozarth,

Richard D. Gholson,
John A. Goodson,

Thompson S. Parks,
Jefferson Percifull,

Wallace W. Brown,
Radford M. Cobb,
John L. Elliott,

Preston H. Leslie,
Lewis L. Mason,
Isaac P. Miller,

John Shawhan,
Thomas J. Smith—14.

Those who voted in the negative, were

William J. Berry,
Henry G. Bibb,
Thomas J. Blincoe,
William Bradley,
Joseph S. Conn,
John Cunningham,
Ira Ellis,

Walker W. Haley,
William A. Hooe,
Thomas N. Lindsey,
John G. McFarland,
Martin D. McHenry,
Reuben Munday,
James P. Orr,

William Preston,
James F. Robinson,
Samuel A. Spencer,
Shelby Stone,
John D. Taylor,
John J. Thomasson,
John C. Walker—21.

The question was then taken on the adoption of said chapter as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Leslie and Smith, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,
Henry G. Bibb,
Thomas J. Blincoe,
Eli Bozarth,
John Cunningham,
Richard D. Gholson,
John A. Goodson,
Walker W. Haley,

William A. Hooe,
Thomas N. Lindsey,
John G. McFarland,
Martin D. McHenry,
Reuben Munday,
James P. Orr,
Jefferson Percifull,

William Preston,
James F. Robinson,
John Shawhan,
Samuel A. Spencer,
John D. Taylor,
John J. Thomasson,
John C. Walker—22.

Those who voted in the negative, were

Sidney M. Barnes,
William Bradley,
Joseph S. Conn,

James W. Irwin,
Preston H. Leslie,
Lewis L. Mason,

Isaac P. Miller,
Thompson S. Parks,
Thomas J. Smith—9.

The 28th chapter of said bill reads as follows :

CHAPTER. 28.

CAVEAT.

§ 1. If any person obtains a survey of land to which another claims a better right, such other may enter a caveat with the register to prevent the issuing of a grant until the right is determined.

1. The caveat shall state the plaintiff's claim, and the reasons why the grant should not issue.

2. It shall be verified by his affidavit, or by that of his agent, and declare that it is entered in good faith, with the intention of procuring the land for the plaintiff, and not for the benefit of the person against whom it is entered.

2. A copy of the caveat certified by the register, shall, within fifteen days from the time it was entered, be handed to the clerk of the circuit court of the county where the land, or the greater part thereof, lies, who shall immediately issue a summons thereon, returnable to the first day of the next term of the court, against the defendant, and renew the same from term to term, if required.

4. If the summons be not returned, or be returned not executed, the caveat shall be dismissed at the costs of the plaintiff, unless it appear

that the non-return or non-execution was not occasioned by the neglect of the plaintiff.

5. If the summons is executed fifteen days before the first day of the term, the caveat shall stand for trial at that term, and the defendant shall, on or before its call, file his written response thereto, verified by his affidavit. If the summons be not so executed, it shall stand for trial at the next term after it is so executed.

6. All issues of fact made by the caveat and the response shall be tried by a jury, if required by either party.

7. If the defendant be a non-resident of this state, he may be proceeded against, and with the like effect, as is permitted against a non-resident in any other suit.

8. Upon service of the summons, or upon notice to plaintiff of the filing of defendant's response in the clerk's office during vacation, either party, respectively, may proceed to take depositions.

9. The court may permit an amendment of the statement contained in the caveat or response, and may give time for further preparation.

10. If the copy of the caveat be not lodged with the clerk within the fifteen days, it shall be deemed to be abandoned; and upon certificate from the clerk that none such has been left with him, the register may proceed in disregard of the caveat.

11. The court may, in its discretion, require the plaintiff to give security for costs, and on his failure to give the same, dismiss his suit.

§ 2. The judgment on a caveat shall be liable to revision in the court of appeals, by appeal or writ of error, in the same manner, in all respects, as any other judgment of the circuit court.

§ 3. A copy of the judgment, if in favor of the defendant, must be delivered into the land office within three months from the time it is rendered, or a new caveat may, for that cause, be entered against the grant. If the judgment be for the plaintiff, and a copy thereof not delivered into the land office within six months from the time it was rendered, any other person may, for that cause, enter another caveat against the grant.

§ 4. No grant shall issue for the land in contest to the plaintiff in the caveat, or to another for his use, until the caveat is dismissed or decided; and any such grant, to the extent of such land, shall be void.

§ 5. Where the plaintiff does not prosecute his caveat as herein required, or the same is dismissed or decided against him, neither he nor any other for his use, shall have another caveat against the same grant.

Mr. Leslie moved to strike out the 11th subsection of the 1st section of said chapter,

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Leslie and Conn, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,
Henry G. Bibb,
Joseph S. Conn,
Walker W. Haley,

Ben. Hardin,
James W. Irwin,
Preston H. Leslie,

Isaac P. Miller,
Thompson S. Parks,
Thomas J. Smith—10.

Those who voted in the negative, were

William J. Berry,	Thomas N. Lindsey,	James F. Robinson,
Thomas J. Blincoe,	Lewis L. Mason,	John Shawhan,
William Bradley,	John G. McFarland,	Samuel A. Spencer,
John Cunningham,	Martin D. McHenry,	John D. Taylor,
Ira Ellis,	Reuben Munday,	John C. Walker—16.
John A. Goodson,		

The 39th chapter of said bill was amended to read as follows :

CHAPTER 39.

AUDITOR.

ARTICLE I.

§ 1. No person shall be elected or appointed auditor of public accounts unless he be a citizen of the United States, at least twenty-four years of age, nor unless he has resided within the state of Kentucky two years next preceding his election or appointment.

§ 2. The auditor shall enter upon the duties of his office on the first Monday in January next succeeding his election or appointment; he shall, on or before that day, take the oaths of office, and execute bond to the commonwealth with surety worth at the time, jointly or separately, \$100,000, to be approved by the governor, and filed in the office of secretary of state, for the faithful discharge of the duties of his office; upon which, for any breach thereof, suit may be instituted from time to time, and recovery had to the extent of the damages sustained by the commonwealth or by others. If any appointment of auditor be made by the governor under the 26th section of the 8th article of the constitution, he shall, upon the execution of bond and taking the oaths of office, forthwith enter on the discharge of the duties of his office.

§ 3. The auditor shall receive an annual salary of \$2,000, payable quarterly at the treasury, upon the requisition of the governor. He shall have power to appoint one assistant, whose salary shall be \$1,000; a chief clerk, with an annual salary of \$700, payable in like manner; two assistant clerks, with an annual salary of \$525 each; and one assistant clerk at a salary of \$500, payable quarterly at the treasury; also, one porter for the offices of auditor and treasurer, whose compensation shall be \$100 per annum, payable quarterly at the treasury.

§ 4. The term of office of assistant auditor and clerks shall be four years. No one shall be appointed to said offices who is not a citizen of the United States, and resided in the state of Kentucky two years, and the principal and assistant to be at least twenty-one years of age. They shall severally take the oaths of office, and may be required by the auditor to execute to him bond, with surety, for the faithful discharge of the duties of the office. They may be removed from office by the auditor for neglect of duty, malfeasance in office, incompetency, intemperance, idleness, or other good cause. The auditor and his sureties shall be liable on their bond for the acts of the assistant auditor and clerks of his office.

§ 5. The auditor and his assistant shall reside and keep his office at the seat of government. Upon his resignation or the expiration of his term of office, he shall, with the aid of the secretary of state, make an inventory of the books, stationery, and implements belonging to the

office, file the same in the office of secretary of state, and deliver the books, furniture, stationery, and implements of office over to his successor.

§ 6. If the auditor be absent, or for any cause is rendered incapable of performing the duties of his office, or if a vacancy in the office of auditor occurs, the assistant auditor shall perform the duties of auditor until the vacancy be filled, the auditor returns, or is restored to his official duties.

§ 7. A warrant of the auditor upon the treasury shall state upon its face the date, amount, and the name of the person to whom payable, and on what account, and out of what fund to be paid, and shall not be issued unless the money to pay the same has been appropriated by law.

§ 8. The auditor shall keep a separate account of all taxes collected, so as to exhibit the amount collected under each law. He shall keep a correct list of all balances due by the government to individuals, and by individuals to the commonwealth, and report the same to the legislature at every regular session thereof; and he shall also report to the general assembly, when required, all and any information connected with the business of his office.

§ 9. The auditor shall keep an account of all claims of debt or credit which may exist between the general government and this state, between this state and any other state. He shall keep an account between the commonwealth and all her civil officers whose salary or wages are payable out of the public treasury; the pay and compensation to members of the legislature and the officers thereof; such pay and allowance to be kept in separate books, by the clerk of each house, certified by him, and deposited with the auditor.

§ 10. He shall audit and enter in account all other demands payable at the treasury, all accounts of the collection of the revenue or other tax, or public money, and of all public debts. All public officers or public debtors who fail to render their accounts at the proper time, or to pay the money in their hands due the commonwealth, into the public treasury, the auditor shall report to the attorney general, and cause proceedings to be instituted against them, and faithfully prosecuted to enforce the performance of such duty and the payment of the money into the treasury. If, upon any such judicial procedure, it shall appear that nothing is due the commonwealth, the defendant shall, nevertheless, pay the cost.

§ 11. The auditor shall have power to require information, on oath, from any person, party, or privy touching any matter relative to any account which he is required to state, audit, or settle, and may administer the oath himself, or have it done by any officer authorized to administer an oath. If a person, when required by the auditor to be sworn for such purpose, shall refuse, he shall be guilty of a misdemeanor, and fined, upon indictment and conviction thereof, not exceeding one hundred dollars, at the discretion of the jury.

§ 12. The auditor shall call upon the attorney general for advice and counsel, whenever he shall deem it necessary, upon all questions of doubt or difficulty connected with his official duties.

§ 13. He shall grant written permits or authority to the treasurer to

receive money from public officers or other persons, due to the commonwealth, stating the person, the amount to be paid in, and on what account paid, and charge the same to the treasurer, in an appropriate book, under its proper head.

§ 14. He shall so keep the accounts that they will truly and clearly exhibit the amount of all moneys paid into the treasury, by whom, and for what account paid; and also, in like manner, exhibit the amount of public expenditures, and each item thereof. He shall keep an accurate account in books of all warrants and certificates by him drawn or issued, showing in due succession the date, number, and amount of the warrant, for what and to whom issued.

§ 15. The auditor shall, when required, furnish the governor any information in his power concerning the condition of the treasury, the state of the public finances, and such other information concerning the business of his office which the good of the public service may demand; and the books and papers of his office shall at all times be subject to the inspection of the governor.

§ 16. The auditor, on or before the sixth day of every regular session of the general assembly, shall faithfully report the annual income and expenses of the government for the two years preceding the tenth of October, of each year, in such a manner as to exhibit the sources of the income, and objects of expenditure, in detail and in the aggregate; and also an estimate of the revenue and expenditures for each of the succeeding two years, commencing and ending the fiscal year on the 10th day of October. He shall report all deficiencies of revenue to meet the expenditures of government; and also a statement of all sums due the commonwealth, when, for what, and from whom due.

§ 17. The auditor, in numbering and dating his warrants, shall begin the 1st day of January and end the 31st of December, inclusive, in each year, so as to exhibit the number, date, and amount of each warrant, for what issued, and to whom payable. He shall transfer the entries of such warrants into the book of general accounts, under separate and distinct heads, exhibiting the total amount of issues for each department of the public service.

§ 18. Warrants for the quarter salary due to public officers shall not be issued before the last days of March, June, September, and December. A warrant may be issued to any officer of the government for the portion of salary due for a fractional part of a quarter in which the officer shall have served.

§ 19. The amount of payment of taxes into the public treasury, and the expenditures thereof, shall be kept so as to exhibit truly the amount received from and expended in each county.

§ 20. A book of transfers of non-residents' lands shall be provided by the auditor. A non-resident who may have conveyed his lands which have been entered with the auditor for taxation, shall have the right to transfer the lands so conveyed, and have the same charged for taxes in the name of the alienee, upon the production of the legal evidence of conveyance. A fee of ten cents shall be paid the auditor by the person requiring the transfer for each separate tract transferred, which shall be paid into the treasury by the auditor at the end of each fiscal year.

§ 21. A book shall be kept by the auditor, in which shall be entered

all receipts by the treasurer for money paid into the treasury within each year.

§ 22. The auditor shall provide, by contract, and furnish all the paper necessary for the public printing, for the use of the public offices at the seat of government, and for the legislature, including ink, wafers, and all other stationery.

1. He may advertise for contracts to supply the above articles, or may purchase them at private contract, as he shall deem most advantageous to the interest of the state.

2. Before he receives any paper under a public or private contract, he shall submit the same to the public printer, or such other competent judges as he may deem necessary, for their approval.

3. He shall, in like manner, contract for the binding of journals, acts, and legislative reports, at the lowest price for which they can be done. He shall communicate to the legislature, at its regular sessions, copies of the contracts above, the amount and cost of paper and binding for the two fiscal years next preceding the report.

4. He shall have a sufficient number of the reports of the auditor, treasurer, and president of the board of internal improvement, printed, for the use of the legislature and such public officers as are required to be furnished with them.

5. The auditor shall examine and settle the accounts of the public printer once in each year, and report the result to the legislature.

ARTICLE II.

Sinking fund, internal improvement, and school fund—duties of auditor in relation thereto.

§ 1. The auditor shall keep separate accounts of all money paid into the treasury, and all disbursements of the same on account of internal improvements, the sinking fund, and the common school fund, and see that no part of the ordinary revenue, not specifically devoted to said funds, shall be drawn from the treasury, and applied to the one or the other.

§ 2. Accounts shall be kept by the auditor with all the banks and other monied institutions required by law to pay tax or money into the treasury.

§ 3. Accounts shall be kept with all turnpike road companies, railroads, and other incorporations or bodies politic, in which the state may own stock, or which are required to pay tax or money to the commonwealth.

§ 4. The auditor and treasurer shall, once in each month, make a settlement of the receipts and disbursements of the money at the treasury, of every description, under appropriate heads, and file the same with the secretary of state, whose duty it shall be to report them to the general assembly within the first ten days of each regular session. And the auditor shall, once in each month, ascertain whether the money on hand in the treasury agrees with the balance shown by the books of the treasurer. The result of such investigation he shall immediately report to the governor.

§ 5. The auditor shall append to the statement made in the month of December in each year, to accompany his biennial report, a list of the acts of the general assembly under which he has drawn his warrants for the preceding twelve months.

§ 6. Before the auditor issues a warrant for the interest due upon any bond of this state, made payable at the treasury, the bond, with the coupon due, shall be produced to him. The number, date, amount, and payee of said bond shall be entered in a well bound book, provided for that purpose, the amount of the interest due, and to whom and when paid. The coupon shall be detached from the bond, and a receipt taken from the person to whom he has paid the interest, and to whom he has issued the warrant, specifying the time for which the interest was paid; and he shall indorse on the bond the time to which the interest has been paid; which receipt he shall preserve. Monthly reports of all such payments, exhibiting the amount paid, when and to whom paid, shall be made to the secretary of state, who shall record the same in a well bound book, and file and preserve said reports; and, within the first twelve days of each regular session, report the amount of each monthly payment to the general assembly.

Mr. Spencer moved to amend the 4th section of the 1st article of said chapter, as follows, viz:

After the word "and," in the third line, insert "the principal and assistant."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Miller and Leslie, were as follows, viz:

Those who voted in the affirmative, were

William J. Berry,	Preston H. Leslie,	James F. Robinson,
Henry G. Bibb,	Thomas N. Lindsey,	John Shawhan,
Thomas J. Blincoe,	Isaac P. Miller,	Thomas J. Smith,
Wallace W. Brown,	Reuben Munday,	Samuel A. Spencer,
Ira Ellis,	Thompson S. Parks,	John D. Taylor,
Ben. Hardin,	Jefferson Percifull,	John J. Thomasson,
William A. Hooe,	William Preston,	John C. Walker—22.
James W. Irwin,		

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	Walker W. Haley,
William Bradley,	Richard D. Gholson,	John G. McFarland,
Radford M. Cobb,	John A. Goodson,	Martin D. McHenry—10.
Joseph S. Conn,		

The question was then taken on the adoption of the chapter, as amended, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gholson and Brown, were as follows, viz:

Those who voted in the affirmative, were

Henry G. Bibb,	James W. Irwin,	James F. Robinson,
Thomas J. Blincoe,	Thomas N. Lindsey,	Samuel A. Spencer,
John Cunningham,	Martin D. McHenry,	John D. Taylor,
Ira Ellis,	Isaac P. Miller,	John J. Thomasson,
Ben. Hardin,	William Preston,	John C. Walker—15.

Those who voted in the negative, were

Sidney M. Barnes,
William J. Berry,
William Bradley,
Wallace W. Brown,
Radford M. Cobb,
Joseph S. Conn,

Richard D. Gholson,
John A. Goodson,
Walker W. Haley,
William A. Hooe,
Preston H. Leslie,

John G. McFarland,
Thompson S. Parks,
Jefferson Percifull,
John Shawhan,
Thomas J. Smith—16.

Mr. Miller moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Walker, were as follows, viz :

Those who voted in the affirmative, were

Henry G. Bibb,
John Cunningham,
Ira Ellis,
John A. Goodson,
Walker W. Haley,
Ben. Hardin,

James W. Irwin,
Thomas N. Lindsey,
John G. McFarland,
Martin D. McHenry,
Isaac P. Miller,
Reuben Munday,

William Preston,
James F. Robinson,
Samuel A. Spencer,
John D. Taylor,
John J. Thomasson,
John C. Walker—18.

Those who voted in the negative, were

Sidney M. Barnes,
William J. Berry,
Thomas J. Blincoe,
William Bradley,
Wallace W. Brown,

Radford M. Cobb,
Joseph S. Conn,
Richard D. Gholson,
William A. Hooe,
Preston H. Leslie,

Thompson S. Parks,
Jefferson Percifull,
John Shawhan,
Thomas J. Smith—14.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 24, 1851.

A message was received from the House of Representatives, announcing their disagreement to a bill from the Senate, entitled, an act authorizing the Marshal of the town of Hopkinsville to appoint a deputy.

That they had concurred in the amendments proposed by the Senate, to a bill from the House of Representatives, entitled, an act to give additional powers to the Madison County Court.

That they had passed bills from the Senate, of the following titles, viz :

Same—An act to authorize the County Court of McCracken to subscribe stock in certain railroads.

Same—An act to authorize the town of Paducah to subscribe stock in certain railroads.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the committee on the Judiciary, to whom was referred a bill to authorize the County Court of Daviess and other counties to subscribe stock in the Louisville and Mississippi Railroad Company, and in the Louisville and Nashville Railroad Company, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz :

By Mr. McHenry, from the committee on the Judiciary—A bill to establish the town of Stylesville, in Pulaski county.

By Mr. Irwin, from the committee on Internal Improvement—A bill to authorize the County Court of Simpson to take and hold stock in a railroad or railroads.

By Mr. Hardin, from the committee on Finance—A bill for the benefit of Samuel R. Lasley, and Mary, his wife.

Which were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bradley, from the committee on Propositions and Grievances, reported a bill to define the boundary of the city of Louisville, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

The question was taken on ordering said bill to be engrossed and read a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Preston and Miller were as follows, viz :

Those who voted in the affirmative, were

Henry G. Bibb,
Thomas J. Blincoe,
William Bradley,
John Cunningham,
Ira Ellis,
Richard D. Gholson,
John A. Goodson,
Ben. Hardin,

William A. Hooe,
James W. Irwin,
Preston H. Leslie,
Thomas N. Lindsey,
Lewis L. Mason,
John G. McFarland,
Isaac P. Miller,

Reuben Munday,
Thompson S. Parks,
John Shawhan,
Thomas J. Smith,
Shelby Stone,
John J. Thomasson,
John C. Walker—22.

Those who voted in the negative, were

Sidney M. Barnes,
William J. Berry,
Joseph S. Conn,

Walker W. Haley,
William Preston,

James F. Robinson,
John D. Taylor—7.

On motion of Mr. Miller,

Ordered, That said bill have its third reading on the 26th inst., at 11 o'clock, and it was decided in the affirmative.

A bill from the House of Representatives, entitled, an act to amend the charter of the town of Danville, was read a third time.

And the question being taken on the passage of said bill, it was decided in the affirmative.

Resolved, That the title of said bill be as aforesaid.

Leave was given to bring in the following bills, viz :

On motion of Mr. Barnes—1. A bill to change the time of holding the fall term of the Estill Circuit Court.

On motion of Mr. Munday—2. A bill to change the time of holding the Garrard County Court.

On motion of Mr. Cunningham—3. A bill to take the vote of Bath county to levy a tax for turnpike roads in said county.

On motion of Mr. Taylor—4. A bill to incorporate the Maysville Literary Institute.

Ordered, That Messrs. Barnes, Robinson, and Munday, prepare and bring in the 1st; the committee on County Courts, the 2d; the committee on the Judiciary, the 3d; and the committee on Education, the 4th.

Mr. Conn moved a reconsideration of the vote by which the Senate passed a bill from the House of Representatives, entitled, an act to authorize the County Court of McCracken to subscribe stock in certain railroads, and it was decided in the affirmative.

Mr. Conn moved a reconsideration of the vote by which the Senate passed a bill from the House of Representatives, entitled, an act to authorize the town of Paducah to subscribe stock in certain railroads, and it was decided in the affirmative.

Mr. Gholson moved a reconsideration of the vote by which the Senate rejected a bill to appropriate money for the erection of a bridge across Straight creek, in Harlan county, and it was decided in the affirmative.

Ordered, That said bill be made the special order of the day for Monday next, at 10 o'clock.

Mr. Barnes, from a select committee, reported a bill to change the time of holding the fall term of the Estill Circuit Court, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate resumed the consideration of the bill to revise the Statute Laws of this State.

The 56th chapter of said bill reads as follows, viz :

CHAPTER 56.

VAGRANTS.

§ 1. If any able bodied person be found loitering or rambling about, not having the means to maintain himself, by some visible property, or who does not betake himself to labor, or some honest calling to obtain a livelihood, or who, not possessing such means, has quit his habitation, leaving a wife or child without suitable means of subsistence, or who is idle or dissolute in habits, without visible means of support, he shall be taken and adjudged to be a vagrant, and guilty of a high misdemeanor.

§ 2. A person guilty of the offense described in the above section, shall be indicted by the grand jury in any county where he may be found, and if not in custody or on bail, process for his apprehension, as in criminal cases, shall be awarded, with an indorsement that he be admitted to bail, upon his executing bond in the penalty of one hundred dollars, with good surety, conditioned for his appearance at the time and place specified in the writ.

§ 3. Such persons may be apprehended by the warrant of a justice of the peace issued upon his own knowledge, or upon information upon oath, and directed to any constable, sheriff, or other officer, who shall return the same forthwith, together with the prisoner, to the officer issuing the same, or some other justice of the peace, police judge, or the judge of the county court, and summon such witnesses as either party may require. The officer to whom the return shall be made, shall hear and decide upon the question of the probable guilt of the prisoner. If he shall be of opinion that there is strong probability that the prisoner is guilty, he shall commit him for further trial before the circuit court of his county, unless the accused shall enter into bond in the penalty of one hundred dollars, with good surety, for his appearance on the first day of the next succeeding term of the circuit court aforesaid, and that he will not depart therefrom without the leave of court. The justice shall state in his record the substance of the evidence given upon the trial, recognize the witnesses to appear at the circuit court as in criminal cases, and return the papers to said court in due time.

§ 4. Persons indicted for vagrancy shall be tried by a jury, and if found guilty, the jury shall fix the time for which he shall be bound out to labor, or sold into servitude, not exceeding twelve months, if the convict be over twenty-one years of age; if he be a minor the jury shall return his age also in their verdict.

§ 5. The court shall bind out the convict to labor, if over twenty-one years, for the term fixed by the jury; if under twenty-one years of age, he shall be bound out as an apprentice to a master until the age of twenty-one to learn some trade, upon the terms which may be agreed upon. The clerk shall prepare and keep the indentures, which, when signed, shall have the same effect as the indentures of apprenticeship in other cases.

§ 6. If no one will take the convict as a servant or as an apprentice, then the court shall commit him to jail, and direct the sheriff, on a day and at a place to be named in the order, to sell the prisoner for the term fixed by the jury, *if an adult; if an infant, until he is twenty-one years of age, as a servant, to the highest bidder for each.*

§ 7. The sheriff out of the money received shall, under the order of the court, first pay the fees and expenses of the prosecution, not exceeding the fees allowed in criminal cases; the remainder he shall apply *pro rata* to the payment of the debts, if any, of the vagrant, so far as may be necessary, and whatever sum may remain shall be paid over to the wife and children of defendant, if any; if none, he shall pay it over to the convict at the expiration of his time, and he shall account for the amount to persons interested, as though he had collected the money under execution. If the convicted vagrant have a wife and family within the state of Kentucky, he shall have the right to enter into bond in the penalty of one hundred dollars, with good surety, conditioned that he will forthwith return to his family, and immediately betake himself to some honest calling for their support, whereupon he shall be immediately discharged.

§ 8. Bonds given by vagrants under the provisions of this chapter shall be returned and filed with the clerk of the circuit court, and if forfeited, they may be proceeded on and the penalty collected as in other cases.

§ 9. The persons taking or buying a vagrant shall have the same rights and powers, and be under the same responsibilities as masters of servants, and of apprentices, during the time for which they have been sold, hired, or bound to them.

§ 10. If no one will take or buy a vagrant upon the terms of the judgment of the court, he shall be punished by any number of stripes not exceeding twenty-one on his bare back, to be fixed by the court at the time of his conviction.

§ 11. All justices of the peace, police judges, judges of the county court, sheriffs, constables, and grand jurors are required to see that all persons in their respective counties shall be prosecuted for a violation of the provisions of this chapter.

§ 12. The provisions of this chapter shall not be construed to change the laws now in force authorizing vagrants to be tried and punished by the judgment of the city court of Louisville, or of any other city or town within this state.

Mr. Haley moved to strike out that part of the 6th section printed in italics, and it was decided in the affirmative.

Mr. Irwin moved to strike out the 6th section of said chapter, as amended.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hooe and Irwin, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	James W. Irwin,	William Preston,
William J. Berry,	Preston H. Leslie,	John Shawhan,
Henry G. Bibb,	John G. McFarland,	Thomas J. Smith,
William Bradley,	Reuben Munday,	Samuel A. Spencer,
Joseph S. Conn,	Thompson S. Parks,	John D. Taylor,
Richard D. Gholson,	Jefferson Percifull,	John C. Walker—19.
William A. Hooe,		

Those who voted in the negative, were

Thomas J. Blincoe,	Walker W. Haley,	James F. Robinson,
Wallace W. Brown,	Thomas N. Lindsey,	Shelby Stone,
John Cunningham,	Lewis L. Mason,	John J. Thomasson—11.
John A. Goodson,	Martin D. McHenry,	

Mr. Hooe moved to strike out the 10th section of said chapter, and it was decided in the affirmative.

Mr. Hooe, at a quarter past 1 o'clock, moved that the Senate take a recess until 3 o'clock.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hooe and Shawhan, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Richard D. Gholson,	William Preston,
Henry G. Bibb,	William A. Hooe,	John Shawhan,
Thomas J. Blincoe,	Thompson S. Parks,	John C. Walker—11.
William Bradley,	Jefferson Percifull,	

Those who voted in the negative, were

Sidney M. Barnes,	Preston H. Leslie,	Reuben Munday,
Wallace W. Brown,	Thomas N. Lindsey,	Thomas J. Smith,
Joseph S. Conn,	Lewis L. Mason,	Samuel A. Spencer,
John Cunningham,	John G. McFarland,	Shelby Stone,
John A. Goodson,	Martin D. McHenry,	John D. Taylor,
Walker W. Haley,	Isaac P. Miller,	John J. Thomasson—19.
James W. Irwin,		

Bills from the House of Representatives of the following titles, were read the first time, viz :

1. An act for the benefit of William Richards, of Bath county.
2. An act to establish an April and July term of the Breckinridge County Court.
3. An act to incorporate the Frankfort Woolen Company.
4. An act to amend an act, entitled, an act to fix the time of holding the Circuit Courts in this commonwealth.
5. An act to extend the town limits of Shepherdsville.

6. An act to change the place of voting from the house of Sarah Bates to the mouth of Mill Stone, in Letcher county.

7. An act to amend the law in relation to working the public highways in the county of Mason.

8. An act to incorporate Minerva Division, No. 64, Sons of Temperance.

9. An act to incorporate the Maysville and Blue Run Plank or Turnpike Road Company.

10. An act to incorporate the Presbyterial Academy of Greenville.

11. An act to amend an act, entitled, an act to amend an act, entitled, an act to incorporate the town of Shelbyville, approved March 24, 1851.

12. An act for the benefit of the sheriffs of Taylor and Cumberland counties.

13. An act better to define the boundary lines of Todd county.

14. An act to establish the Parochial School of Elkton, Todd county.

15. An act to incorporate Wayne Division No. 176, Sons of Temperance.

16. An act repealing all laws allowing the Wayne County Court to erect and keep a stray pound.

17. An act changing part of the line between Shelby and Oldham counties.

18. An act relating to the poll tax in Campbell county.

19. An act to change the line of a voting district in Logan county, and a Justices' district in Boone county.

20. An act to change the county line between the counties of Grant and Kenton.

21. An act to change the place of voting in district No. 4, in Henderson county.

22. An act to change the lines between district Nos. 1 and 2, in Lincoln county.

23. An act for the benefit of the keepers of livery stables.

24. An act to provide a compensation for the Presiding Judge of the County Courts.

25. An act to authorize the County Court of Allen to re-district election precincts, and establish one additional Justices district and election precinct in said county.

26. An act to provide for the completion of the 2d Kentucky Lunatic Asylum.

27. An act for the benefit of the Kentucky Institution for the education of the blind.

28. An act to incorporate the Louisville Locomotive Works.

29. An act to incorporate certain turnpike roads in the county of Garrard.

30. An act concerning the Marshal of the town of Lancaster, and to establish the office of Marshal in the town of Richmond.

31. An act to authorize the people of Fayette to provide for the erection of a new court house.

32. An act to amend the charter of the city of Lexington.

33. An act to incorporate Carthage Division No. 208, Sons of Temperance.

34. An act to incorporate the town of New Haven.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 13th, 17th, 19th, 20th, and 31st to the committee on Propositions and Grievances; the 2d, 16th, 24th, and 25th, to the committee on County Courts; the 3d to the committee on Agriculture and Manufactures; the 4th to the committee on Circuit Courts; the 5th, 8th, 11th, 15th, 23d, 28th, 30th, 32d, 33d, and 34th, to the committee on the Judiciary; the 6th, 21st, and 22d, to the committee on Privileges and Elections; the 7th, 9th, and 29th, to the committee on Internal Improvement; the 10th, and 14th, to the committee on Education; and the 12th, 18th, 26th, and 27th, to the committee on Finance.

Mr. Haley, at twenty-five minutes before 2 o'clock, moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hooe and Shawhan, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	James W. Irwin,	Jefferson Percifull,
Joseph S. Conn,	Preston H. Leslie,	Thomas J. Smith,
John Cunningham,	Thomas N. Lindsey,	Shelby Stone,
John A. Goodson,	Martin D. McHenry,	John D. Taylor,
Walker W. Haley,	Isaac P. Miller,	John J. Thomasson—17.
Ben. Hardin,	Reuben Munday,	

Those who voted in the negative, were

Henry G. Bibb,	William A. Hooe,	John Shawhan,
Thomas J. Blincoc,	Thompson S. Parks,	Samuel A. Spencer,
William Bradley,	William Preston,	John C. Walker—10.
Richard D. Gholson,		

And then the Senate adjourned.

FRIDAY, DECEMBER 26, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz :

An act for the benefit of William Davis, a former Sheriff of Whitley county.

An act to establish a Sinking Fund for the county of Bourbon, and to provide for the appointment of Commissioners therefor.

An act for the benefit of B. G. Dudley.

An act to incorporate the Independent Fire Company, Washington No. 1, of Maysville and suburbs.

An act to amend an act, entitled, an act to incorporate the Bank Lick Turnpike Road Company.

An act for the benefit of the Sheriff of Union county.

An act for the benefit of the Florence Academy, in Boone county.

An act to amend the charter of the Shelby Railroad Company.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz :

An act to fix the time of holding the Circuit Courts in in the 8th Judicial district.

An act to amend an act to reduce into one the several acts relating to the town of Glasgow.

An act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad, and the act amending the same, approved March 20, 1851.

An act in relation to the districts in Franklin county.

An act to incorporate the Newport Fuel Company.

An act for the benefit of the heirs of James Gay, deceased.

An act to incorporate the Cynthiana Female Academy.

An act to authorize the County Court of Harrison county to borrow money.

An act for the benefit of the Sheriff of Kenton county.

An act to incorporate the Turkey Foot Turnpike Road Company.

An act to amend the city charter of Covington.

An act to charter Union Lodge No. 10, I. O. O. F., Nicholasville.

An act for the benefit of the sheriff of Oldham county.

An act concerning the public records of the Bracken County Court.

An act to charter Brooksville Lodge No. 154, of Free and Accepted Masons.

An act to incorporate the Licking River Navigation Company.

An act to amend an act, entitled, an act to charter the city of Louisville, approved March 24, 1851.

An act concerning nine pin alleys, &c.

An act for the benefit of Hiram Senior of Union county, and Benjamin R. Briggs of Ohio county.

An act for the benefit of George Webster of the town of Winchester.

An act for the benefit of the sheriff of Bath county.

An act to charter the Knob Lick Turnpike Road Company.

An act to incorporate the Nashville and Cincinnati Railroad Company.

Mr. McHenry presented the remonstrance of the citizens of Shelbyville against a modification of the charter of the town.

Which was received, the reading dispensed with, and referred to the committee on the Judiciary.

Mr. Irwin, from the committee on Internal Improvement, reported a bill to amend the charter of the Louisville and Frankfort Railroad Company, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate certain turnpike roads in the county of Garrard.

An act to incorporate the Maysville and Blue Run Plank or Turnpike Road Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Berry, from the same committee, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to amend the charter of the Paris and Winchester Turnpike Road Company.

An act to charter the Hamilton and Union Turnpike Road Company.

An act to amend an act, entitled, an act incorporating the Crab Orchard and Crew's Knob Turnpike Road Company.

An act to authorize the town of Columbus to take and hold stock in the Ohio and Mobile Railroad Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act further to provide for the collection of tolls on Kentucky, Green, and Big Barren Rivers, reported the same with an expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the affirmative.

The constitutional provision as to the third reading of said bill being dispensed with, the question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and McFarland, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Ben. Hardin,	John Shawhan,
Henry G. Bibb,	William A. Hooe,	Thomas J. Smith,
Thomas J. Blincoe,	Preston H. Leslie,	Samuel A. Spencer,
Eli Bozarth,	Isaac P. Miller,	Shelby Stone,
Wallace W. Brown,	Thompson S. Parks,	John D. Taylor,
Radford M. Cobb,	Jefferson Percifull,	John J. Thomasson,
Ira Ellis,	William Preston,	John C. Walker—22.
Walker W. Haley,		

Those who voted in the negative, were

John A. Goodson,	John G. McFarland,	James F. Robinson—5.
James W. Irwin,	Martin D. McHenry,	

Resolved, That the title of said bill be as aforesaid.

An engrossed bill, entitled, an act to define the boundary of the city of Louisville, was read a third time.

Mr. Preston moved to re-commit said bill to the committee on Propositions and Grievances.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Preston and Ellis were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	William A. Hooe,	William Preston,
William J. Berry,	James W. Irwin,	James F. Robinson,

Wallace W. Brown,
Ira Ellis,
Walker W. Haley,

Preston H. Leslie,
John G. McFarland,

Shelby Stone,
John D. Taylor—13.

Those who voted in the negative, were

Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Richard D. Gholson,
John A. Goodson,
Ben. Hardin,

Thomas N. Lindsey,
Martin D. McHenry,
Isaac P. Miller,
Thompson S. Parks,
Jefferson Percifull,

John Shawhan,
Thomas J. Smith,
Samuel A. Spencer,
John J. Thomasson,
John C. Walker—16.

Mr. Preston moved to postpone the further consideration of said bill until Monday next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Preston and Miller, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,
William J. Berry,
Henry G. Bibb,
Ira Ellis,
James W. Irwin,

Preston H. Leslie,
John G. McFarland,
Martin D. McHenry,
William Preston,

James F. Robinson,
Shelby Stone,
John D. Taylor,
John C. Walker—13.

Those who voted in the negative, were

Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Wallace W. Brown,
Richard D. Gholson,
John A. Goodson,

Walker W. Haley,
Ben. Hardin,
William A. Hooe,
Thomas N. Lindsey,
Isaac P. Miller,

Thompson S. Parks,
Jefferson Percifull,
John Shawhan,
Thomas J. Smith,
John J. Thomasson—16.

Mr. Preston moved that said bill be referred to the committee on the Judiciary, with instructions to report it to the Senate on Monday next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Preston, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,
William J. Berry,
Wallace W. Brown,
Joseph S. Conn,
Ira Ellis,

Walker W. Haley,
James W. Irwin,
Preston H. Leslie,
John G. McFarland,
Martin D. McHenry,

William Preston,
James F. Robinson,
Samuel A. Spencer,
Shelby Stone,
John D. Taylor—15.

Those who voted in the negative, were

Henry G. Bibb,
Thomas J. Blincoe,
Eli Bozarth,
William Bradley,
Richard D. Gholson,
John A. Goodson,

Ben. Hardin,
William A. Hooe,
Thomas N. Lindsey,
Isaac P. Miller,
Thompson S. Parks,

Jefferson Percifull,
John Shawhan,
Thomas J. Smith,
John J. Thomasson,
John C. Walker—16.

Mr. Hardin moved the previous question.

And the question being taken, "shall the main question be now put?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Miller, were as follows, viz:

Those who voted in the affirmative, were

Thomas J. Blincoe,	Ben. Hardin,	Jefferson Percifull,
Eli Bozarth,	William A. Hooe,	John Shawhan,
William Bradley,	Thomas N. Lindsey,	Thomas J. Smith,
Richard D. Gholson,	Isaac P. Miller,	John J. Thomasson,
John A. Goodson,	Thompson S. Parks,	John C. Walker—15.

Those who voted in the negative, were

Sidney M. Barnes,	Walker W. Haley,	William Preston,
William J. Berry,	James W. Irwin,	James F. Robinson,
Henry G. Bibb,	Preston H. Leslie,	Shelby Stone,
Joseph S. Conn,	John G. McFarland,	John D. Taylor—14.
Ira Ellis,	Martin D. McHenry,	

The main question was then put, "shall the bill pass?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Preston and Miller, were as follows, viz:

Those who voted in the affirmative, were

Henry G. Bibb,	William A. Hooe,	Jefferson Percifull,
Thomas J. Blincoe,	Thomas N. Lindsey,	John Shawhan,
Eli Bozarth,	John G. McFarland,	Thomas J. Smith,
William Bradley,	Isaac P. Miller,	John J. Thomasson,
Richard D. Gholson,	Thompson S. Parks,	John C. Walker—16.
Ben. Hardin,		

Those who voted in the negative, were

Sidney M. Barnes,	Walker W. Haley,	William Preston,
William J. Berry,	James W. Irwin,	James F. Robinson,
Joseph S. Conn,	Preston H. Leslie,	Shelby Stone,
Ira Ellis,	Martin D. McHenry,	John D. Taylor—13.
John A. Goodson,		

Resolved, That the title of said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to amend and reduce into one the several acts relating to the town of Glasgow, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Taylor, from the joint committee appointed to visit the Lunatic Asylum at Lexington, made the following report, viz:

The joint committee appointed to examine the Lunatic Asylum at Lexington, respectfully report, that in the discharge of the duties imposed upon them, they made a thorough examination of the building, and the condition of its unfortunate occupants. In this they were accompanied by the superintendent, who cheerfully rendered any facility in his power, and whose kindness and attention to the insane is not less honorable than proverbial.

It is with sincere pleasure your committee state that the benevolence which dictated the foundation and endowment of such an institution, has been adapted in the care, management, and treatment of its unfortunate and pitiable inmates. Force, harshness, neglect, and seclusion, the too frequent remedies of the past, have been almost entirely superseded by the law of kindness, so well calculated to woo and win reason back to its wonted and proper dominion. Social intercourse, exercise, employment, amusements, and music, are among the curative agents which the experience and accurate observation of Dr. Allen, the intelligent and skillful superintendent, has (as we understand,) employed with most cheering success. Your committee cannot commend too highly, the neatness, order and discipline which pervade and justly characterize the entire management of the asylum.

There are now 260 persons of both sexes confined in said asylum, and the extensive additions to the building, now near completion, will increase the comfort of the patients—affording greater facilities for exercise, and a freer ventilation—two important elements of health—and will further enable the superintendent so to arrange and separate the various forms and degrees of insanity, as by association and otherwise to invite and lead back the deranged intellect to the world of reason and to the joyous fruition of its restored and healthy faculties.

Whilst your committee regret the necessity of such institutions, they can but admire that noble and useful philanthropy which, by such means, alleviates the worst and most appalling of all human misfortunes, and cannot commend too strongly or earnestly the continuance of that hitherto enlightened liberality, which is not less honorable to us as men, than laudable to us as legislators and the representatives of a great and philanthropic people.

JNO. D. TAYLOR, *Chm. S. C.*

WM. A. HOOE.

J. A. GOODSON.

MICAJAH OGLESBY, *Chm. H. R. C.*

W. C. McNARY.

E. H. KERRICK.

ALFRED M. JONES,

A. H. BRYAN.

December 23, 1851.

Leave was given to bring in the following bills, viz :

On motion of Mr. Spencer—1. A bill to authorize the sale of the parsonage, &c., belonging to the Methodist Episcopal Church South in the county of Green.

On motion of same—2. A bill for the benefit of the sheriff of Green county.

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Ordered, That the committee on the Judiciary prepare and bring in the 1st, and the committee on Finance the 2nd.

The Senate resumed the consideration of the bill to revise the statute laws of this state.

The first article of the 74th chapter of said bill reads as follows, viz :

CHAPTER 74.

FEES.

ARTICLE I.

§ 1. The fees of officers and others performing public duties shall be as follows :

Auditor of Public Accounts and Attorneys.

§ 2. For a certificate that land forfeited or sold for failing to list or pay taxes has been redeemed, - - - - - \$ 0 50

§ 3. The clerks of the several courts shall tax and allow as costs an attorney's fee to the successful party as follows :

1. In the court of appeals, in equity cases, - - - - - \$ 10 00

In common law cases, where the title or boundary of land is

directly or indirectly drawn in question, - - - - - 10 00

In all other common law actions, - - - - - 5 00

2. In the circuit courts, in all cases, in law or equity, in which the title or boundary of land is drawn in question, directly or indirectly, - - - - - 10 00

In other equity cases, - - - - - 5 00

In other common law cases, - - - - - 2 50

3. In all cases in the county courts, - - - - - 2 50

Mr. Gholson moved to amend said article, by adding thereto the following :

"But no attorneys fee shall be taxed in cases where no defense is entered of record."

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gholson and Brown were as follows, viz :

Those who voted in the affirmative, were

Eli Bozarth,	Wallace W. Brown,	Thompson S. Parks,
William Bradley,	Richard D. Gholson,	John Shawhan—6.

Those who voted in the negative, were

Sidney M. Barnes,	William A. Hooe,	James F. Robinson,
Henry G. Bibb,	James W. Irwin,	Samuel A. Spencer,
Thomas J. Blincoc,	Preston H. Leslie,	Shelby Stone,
Ira Ellis,	Thomas N. Lindsey,	John D. Taylor,
John A. Goodson,	Martin D. McHenry,	John J. Thomasson,
Walker W. Haley,	William Preston,	John C. Walker—19.
Ben. Hardin,		

And then the Senate adjourned.

SATURDAY, DECEMBER 27, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act declaring the Elk Fork of Licking and Greasy creeks navigable streams.

An act in relation to the Springfield, Maxville, and Harrodsburg Turnpike Road Company.

That they had passed bills and adopted a resolution, of the following titles, viz:

An act to incorporate the Louisville and Jeffersontown Plank Road Company.

An act further to provide for the collection of tolls on Muldrow's hill.

An act to incorporate the Napoleon and Big Bone Lick Turnpike Road Company.

An act to incorporate the New Orleans and Ohio Railroad Company.

An act to incorporate the Lexington and Big Sandy Railroad Company.

An act to incorporate the Crab Orchard and Mount Vernon Turnpike Road Company.

An act to change the time of holding the Garrard county and quarterly courts.

An act to amend the charter of the Newport Safety Fund Bank of Kentucky.

An act to amend the charter of the Perryville and Springfield Turnpike Road Company.

An act for the benefit of Common Schools in Estill county.

Resolution respecting salutes on the 8th of January, and 22nd of February.

Mr. Ellis presented the petition of the clerk of the Marshall County Court, in relation to the fees of clerks, which was received, the reading dispensed with, and referred to the committee on County Courts.

Mr. Irwin, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law in relation to working the public highways in the county of Mason, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the committee on Finance, to whom was referred bills from the House of Representatives, of the following titles, viz :

An act relating to the poll tax in Campbell county.

An act to amend an act, entitled, an act for the benefit of the heirs of James and Matthew Wakefield.

An act for the benefit of Elizabeth Jones, administratrix of George Jones, deceased.

An act for the benefit of the Sheriff of Graves county.

An act for the benefit of Robert Butler, of Simpson county.

An act for the benefit of the Sheriffs of Taylor and Cumberland counties.

Reported the same without amendment.

Ordered, That said bills be read a second time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the administrators of James C. Leech, former Sheriff of Livingston county, reported the same with the expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative ; so said bill was disagreed to.

Mr. Hardin from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to provide for the completion of the 2nd Kentucky Lunatic Asylum, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

On motion of Mr. Hardin,

Ordered, That said bill be made the special order of the day for Tuesday, the 30th inst., at 10 o'clock.

Mr. Stone, from the committee on Circuit Courts, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act to fix the time of holding the Circuit Courts in this commonwealth, reported the same without amendment.

Ordered, That said bill be placed in the orders of the day.

Mr. Stone, from the same committee, reported a bill to fix the time of

holding the Circuit Courts in the 12th Judicial district, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be re-committed to the committee on Circuit Courts, with instructions to report it to the Senate on Monday next.

Mr. Taylor, from the committee on Education, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate Albion Female Collegiate Institute.

An act to amend an act establishing Morgantown Seminary, in Butler county.

An act to establish a School district in Hancock county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Taylor, from the same committee, to whom was referred a bill for the benefit of Common School district, No. 34, at Petersburg, Boone county, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Taylor, from the same committee, reported bills of the following titles, viz:

A bill to incorporate the German Protestant Asylum Company.

A bill to incorporate the Maysville Literary Institute.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Taylor, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of certain school districts in Washington county.

An act for the benefit of Kirkville district school, in Madison county.

An act for the benefit of School districts, Nos. 2, 3, and 24, in Larue county.

An act for the benefit of School districts Nos. 5 and 8, in Muhlenburg county.

Reported the same without amendment.

Ordered, That said bills be laid on the table.

Mr. Taylor, from the same committee, to whom was referred the petition of sundry citizens of Caldwell county, in relation to a School in district, No. 60, in said county, asked to be discharged from the further consideration thereof, which was granted.

Mr. Bradley, from the committee on Propositions and Grievances, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to change the line of a voting district in Logan county, and a justices' district in Boone county.

An act to change the county line between the counties of Grant and Kenton.

An act changing the lines of Magistrates' and Constables' districts in Harrison county.

An act establishing an additional Magistrates' and Constables' district in Hancock county.

An act to change the line of the Burlington and Taylorsport election precinct, in Boone county.

An act to change Magistrates' districts, No. 1, in Crittenden county, and No. 1, in Madison county.

An act for the benefit of Samuel T. Ray.

An act for the benefit of the town of Princeton.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bradley, from the same committee, to whom was referred a bill from the House of Representative, entitled, an act for the benefit of George F. Hickman, asked to be discharged from the further consideration of said bill, which was granted.

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Bradley, from the same committee, reported a bill to divide Hopkins county into 7 Magistrates' and Constables' districts, and election precincts, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from select committees, viz :

By Mr. Shawhan—1. A bill to change the time of holding the Justices' Courts in Bracken county.

By Mr. Preston—2. A bill to provide for the compensation of the commissioners of the Code of Practice.

By same—3. A bill authorizing the transfer of a portion of the bonds of the Louisville and Frankfort Railroad Company.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st be engrossed and read a third time, and that the 2d and 3d be referred to the committee on the Judiciary.

The constitutional provision as to the third reading of the 1st bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin from the committee on Finance asked to be discharged from the further consideration of a resolution in relation to a change in the fiscal year, which was granted.

A resolution read and laid on the table by Mr. Goodson, on the 12th inst., was taken up.

Ordered, That said resolution be referred to the committee on the Judiciary.

A bill from the House of Representatives, entitled, an act in relation to the districts in Franklin county, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message in writing was received from the Governor, by Mr. Metcalf Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up and read as follows, viz :

EXECUTIVE DEPARTMENT,
December 26th, 1851. }

Gentlemen of the Senate :

I nominate for your advice and consent,
Lawrence S. Trimble, Notary Public for the county of McCracken.
William D. Allison, Notary Public for Henderson county.
Beer C. Glass, Notary Public for Scott county.

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Thomas P. Smith, Notary Public for Bourbon county.
William L. Morris, Notary Public for Larue county.
James S. Whitaker, Notary Public for Shelby county.
John C. Dewees, Notary Public for Mason county.
Thomas A. Ross, Notary Public for Mason county.
Charles B. Ryan, Notary Public for Mason county.
Elijah C. Phister, Notary Public for Mason county.
Samuel M. Moore, Notary Public for Kenton county.
Jefferson Brown, Notary Public for Union county.
John Casey, Notary Public for Union county.
William B. Wall, Notary Public for Daviess county.
James E. Stone, Notary Public for Hancock county.
Charles J. Helm, Notary Public for Campbell county.

L. W. POWELL.

Resolved, That the Senate advise and consent to said appointments.

Leave was given to bring in the following bills, viz :

On motion of Mr. Preston—1. A bill to authorize the transfer of a portion of the bond of the Louisville and Frankfort Railroad Company.

On motion of Mr. Brown—2. A bill to incorporate a Turnpike Road Company in Pike county.

On motion of same—3. A bill to define the line between the counties of Lawrence and Pike.

Ordered, That Messrs. Preston, Barnes, and Leslie, prepare and bring in the 1st; Messrs. Brown, Taylor, and Perciful, the 2d; and the committee on Propositions and Grievances the 3d.

The Senate took up for consideration the amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act to amend the charter of the Shelby Railroad Company.

Resolved, That the Senate concur in the 1st, 2d, 3d, and 4th amendments to said bill, and disagree to the 5th.

The Senate took up for consideration a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to fix the time of holding the Circuit Courts in this commonwealth.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Meriwether, Secretary of State, announcing that he had approved and signed enrolled bills and a resolution, which originated in the Senate, of the following titles, viz :

An act to provide for the construction of a levee from the town of Hickman to the Tennessee line.

An act to incorporate the Ohio River, Bedford, and Campbellsburg, Plank Road Company.

Resolution fixing the day for the election of the Public Officers.

Approved Dec. 20, 1851.

Mr. Spencer, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, viz :

An act to dispense with commissions for certain officers in this commonwealth.

An act to change the time of holding the Logan quarterly courts.

An act to create the offices of Police Judge and Marshal of the town of Rumsey.

An act for the benefit of William Davis, a former Sheriff of Whitley county.

An act to amend an act, entitled, an act to incorporate the Lexington and Danville Railroad Company, approved March 5, 1850.

An act for the benefit of B. G. Dudley.

An act to incorporate the Independent Fire Company, Washington No. 1, of Maysville and suburbs.

An act to establish the Enterprise and Tanning, and Leather Manufacturing Company, of the county of Lewis.

And enrolled bills, which originated in the House of Representatives of the following titles, viz :

An act for the benefit of George H. Morrow.

An act to suspend the operation of the law in relation to changing Common School Districts in the county of Christian.

An act for the benefit of James H. Godsey, former sheriff of Johnson county, and George H. Morrow, late sheriff of McCracken county.

An act to establish and regulate the width of a certain portion of the road leading from Richmond to Mount Sterling.

An act to prevent the erection of obstructions in Quicksand creek, in Breathitt county.

An act to exempt certain persons from paying toll at the gates on the Lexington and Covington Turnpike Road, in Grant county.

An act altering School districts, Nos. 55 and 29, in Morgan county.

An act to change the state road leading from Hopkinsville to Clarksville, in Tennessee.

An act to change the place of voting in an election precinct in Jefferson county.

An act to change a place of voting in Muhlenburg county.

An act to extend the corporate limits of the city of Newport.

An act to charter the town of Mount Olivet, in Nicholas and Bracken counties.

An act to repeal an act, entitled, an act to amend the road law in Pendleton county, approved February 25, 1851.

An act for the benefit of the Kentucky School of Medicine.

An act for the benefit of William Alexander.

An act for the benefit of H. Woodyard, late sheriff of Grant county.

An act for the benefit of William Meredith.

An act to empower the city of Newport to convey lot No. 3, in said city.

An act to amend an act incorporating the Richmond Cemetery Company.

An act to change the time of meeting of the General Assembly.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approval and signature. After a short time, Mr. Spencer reported that the committee had performed that duty.

Bills from the House of Representatives of the following titles, were read the first time, viz :

An act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad, and the act amending the same, approved March 20, 1851.

An act to incorporate the Newport Fuel Company.

An act for the benefit of the heirs of James Gay, deceased.

An act to incorporate the Cynthiana Female Academy.

An act to authorize the County Court of Harrison county to borrow money.

An act for the benefit of the Sheriff of Kenton county.

An act to incorporate the Turkey Foot Turnpike Road Company.

An act to amend the city charter of Covington.

An act to charter Union Lodge, No. 10, I. O. O. F., Nicholasville.

An act for the benefit of the Sheriff of Oldham county.

An act concerning the public records of the Bracken County Court.

An act to charter Brookville Lodge, No. 154, of Free and Accepted Masons.

An act to incorporate the Licking river Navigation Company.

An act for the benefit of the Sheriff of Bath county.

An act for the benefit of George Webster, of the town of Winchester.

An act for the benefit of Hiram Senior, of Union county, and Benjamin R. Briggs, of Ohio county.

An act concerning nine pin alleys, &c.

An act to amend an act, entitled, an act to charter the city of Louisville, approved March 24, 1851.

An act to charter the Knob Lick Turnpike Road Company.

An act to incorporate the Nashville and Cincinnati Railroad Company.

An act to fix the time of holding the Circuit Courts in the 8th Judicial district.

An act to incorporate the Louisville and Jeffersontown Plank Road Company.

An act further to provide for the collection of tolls on Muldrow's hill.

An act to incorporate the Napoleon and Big Bone Lick Turnpike Road Company.

An act to incorporate the New Orleans and Ohio Railroad Company.

An act to incorporate the Lexington and Big Sandy Railroad Company.

An act to incorporate the Crab Orchard and Mount Vernon Turnpike Road Company.

An act to change the time of holding the Garrard county and quarterly courts.

An act to amend the charter of the Newport Safety Fund Bank of Kentucky.

An act to amend the charter of the Perryville and Springfield Turnpike Road Company.

An act for the benefit of Common Schools in Estill county.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2nd, 7th, 13th, 19th, 20th, 22nd, 24th, 25th, 26th, 27th, and 30th, to the committee on Internal Improvement; the 3d, 8th, 9th, 12th, and 15th, to the committee on the Judiciary; the 4th and 31st to the committee on Education; the 5th, 11th, and 28th, to the committee on County Courts; the 6th, 10th, 14th, 17th, 18th, and 23d, to the committee on Finance; the 16th to the committee on Propositions and Grievances; the 21st to the committee on Circuit Courts; and the 29th to the committee on Banks.

Resolution from the House of Representatives, respecting salutes on the 8th of January, and 22d of February, was taken up, twice read, and concurred in.

The Senate resumed the consideration of the bill to revise the Statute Laws of this State.

The 5th section of the amendments proposed by the committee to the 84th chapter of said bill, as amended, reads as follows:

Three years after this chapter takes effect, all rights and privileges which may have been granted by the Legislature of this commonwealth, to raise money by lottery for any purpose, shall cease and determine.

Mr. Conn moved the following amendment to said section :

Provided, That nothing herein shall be construed to affect the rights and privileges pertaining to lotteries already established by law.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and Bozarth, were as follows, viz :

Those who voted in the affirmative, were

Henry G. Bibb,	Ira Ellis,	Shelby Stone,
Thomas J. Blincoe,	Thomas N. Lindsey,	John D. Taylor,
William Bradley,	John G. McFarland,	John J. Thomasson—11.
Joseph S. Conn,	Reuben Munday,	

Those who voted in the negative, were

Sidney M. Barnes,	Ben. Hardin,	James F. Robinson,
William J. Berry,	Preston H. Leslie,	John Shawhan,
Eli Bozarth,	Martin D. McHenry,	Thomas J. Smith,
John A. Goodson,	Thompson S. Parks,	Samuel A. Spencer,
Walker W. Haley,	William Preston,	John C. Walker—15.

The 84th chapter of the Revised Statutes, as amended, reads as follows, viz :

CHAPTER 84.

CRIMES AND PUNISHMENTS.

ARTICLE I.

General Provisions.

Offenses are either felonies or misdemeanors.

§ 1. Such offenses as are punishable with death or confinement in the penitentiary, are felonies. Offenses committed by slaves, and punishable alone by stripes, are, as to them, misdemeanors. All other offenses, whether at common law or made so by statute, are misdemeanors.

§ 2. No crime shall be punished with death, unless it be directed by statute.

§ 3. A common law offense, for which punishment is prescribed by statute, shall be punished only in the mode so prescribed.

§ 4. The commission of a felony shall not stay or merge any civil remedy of the party aggrieved, against the felony.

§ 5. All offenses shall be tried in the courts, or by the tribunals of that county or city having jurisdiction of them, in which they were committed, except in cases otherwise provided for.

§ 6. When it is a matter of doubt, in the opinion of the court, in which of two or more counties the offense was committed, the court of either in which the indictment is found shall have jurisdiction of the offense.

§ 7. If a mortal wound or other violence or injury be inflicted, or poison be administered, in one county or corporation, and death ensues in another, the offense may be prosecuted in either.

§ 8. A person acquitted of an offense on the ground of a variance between the allegations and the proof, or upon an exception to the form or substance of the indictment or accusation, may be arraigned again up-

on a new indictment, or other proper accusation, and tried and convicted, notwithstanding such previous acquittal. At any time before a jury is sworn in a criminal prosecution, the commonwealth, by her attorney, by leave of court, may enter a *nolle prosequi*.

§ 9. Approvers shall not be admitted in any case.

§ 10. In all felonies, accessories before the fact shall be liable to the same punishment as the principals, respectively, and may be prosecuted jointly with those principals, or severally, though their principals be not taken or tried.

§ 11. Accessories after the fact, not otherwise punished, shall be guilty of high misdemeanors, and fined and imprisoned at the discretion of the jury, and may be tried, though their principals be not taken or tried. But no person in the relation of husband and wife, parent or grandparent, child or grand-child, brother or sister, or servant, to the offender, who, after the commission of the felony, shall aid or assist a principal felon, or accessory before the fact, to avoid or escape from prosecution or punishment, without forcibly breaking a prison in which such felon may be confined, or taking him by force from an officer or guard, shall be deemed an accessory after the fact.

§ 12. Every person convicted a second time of felony, the punishment of which is confinement in the penitentiary, shall be confined in the penitentiary not less than double the time of the first conviction; and if convicted a third time of felony, he shall be confined in the penitentiary during his life. Judgment in such cases shall not be given for the increased penalty, unless the jury shall find, from record and other competent evidence, the fact of former convictions for felony committed by the prisoner, in or out of this state.

§ 13. Prosecutions for felony may be continued, at the discretion of the court, as often as good grounds for such continuance shall be made out. No number of such continuances shall operate a discharge of the prisoner.

§ 14. Persons by whom a forged instrument of writing purports to have been executed, shall be competent witnesses on the trial of any prosecution for such forgery. Judgment of conviction for forgery shall not destroy the legal validity of the writing charged to have been forged, or be used as evidence in any civil controversy relative to the same.

§ 15. In all cases of conviction of felony, the party convicted shall restore the property stolen or destroyed, or make reparation in damages therefor. The court in which such conviction may be had, if applied to at the same term in which the sentence was pronounced, by petition, verified by affidavit, may order restitution, or give judgment against the convict for reparation in damages, and enforce the collection of the same by execution or other process.

§ 16. In motions for restitution or reparation, the court shall cause the prisoner to be set within the bar, and demand of him if he has any defense to make to the motion. And if the convict consents to such restitution or reparation in damages, the court shall give judgment accordingly, if the damages are agreed. Otherwise, a jury shall be impaneled to try the facts, and ascertain the amount and value of the property, or assess the damages, as the case may be. A failure to pursue the remedy hereby given, shall not deprive the party aggrieved of his civil action for

the injury sustained. The party injured shall have a lien on the estate of the criminal from the time of his arrest.

§ 17. The jury by whom any offender may be tried, shall fix by their verdict the quantum of punishment to be inflicted, within the periods or amount prescribed by law as the punishment for the offense.

§ 18. All claims to dispensation of punishment by benefit of clergy, are hereby abolished.

§ 19. Persons sentenced to punishment by a confinement in the penitentiary, shall be kept at hard labor and solitary confinement.

§ 20. Persons sentenced to suffer death shall be hung by the neck until dead, at such time and place as the court shall order, by the sheriff of the county or other person designated by the court. The time fixed for the execution of the sentence shall not be less than twenty, nor more than ninety days, unless the public peace and safety, in the opinion of the court, require a shorter time.

The expenses of the execution and burial, when certified by the court, shall be paid out of the public treasury.

§ 21. Prosecutions by the commonwealth for felony shall not be barred by lapse of time or any statute of limitations. Prosecutions by the commonwealth to recover a penalty for a violation of any penal statute or law, and a suit or procedure at the instance of any person, to recover any such penalty, shall be commenced within one year after the penalty or forfeiture has occurred, and not after, unless a different time is allowed by the statute imposing the fine or penalty. Prosecutions for profane swearing, cursing, or being drunk, or sabbath-breaking, and against surveyors of public highways, shall be made within six months after the offense is committed, and not after.

§ 22. In aggravated cases of murder, and other felonies against the person, when the accused shall flee from justice, the governor of the commonwealth of Kentucky, on a petition of the county judge or circuit judge of the county, shall be authorized to issue his proclamation and offer a reward, not exceeding \$500, for the apprehension of the accused.

§ 23. In all cases where the party convicted of an offense is punished by fine and imprisonment, or by imprisonment alone, the imprisonment shall be by close confinement in the jail of the county in which the defendant was tried.

§ 24. All fines and forfeitures which may be imposed by law, shall inure and vest in the commonwealth, except in cases where, by law, the whole or a part thereof shall be given to a person, or to some particular object.

§ 25. Fines or forfeitures imposed may be recovered by civil procedure, before any judicial tribunal having jurisdiction, or upon indictment or presentment of a grand jury.

§ 26. The provisions of this chapter shall not apply to slaves, except when slaves are specifically named. Nor shall they apply to free negroes, when the punishment of a free negro for the same offense is provided for elsewhere in the revised statutes.

ARTICLE II.

Jurisdiction.

§ 1. In all cases where any part of a river, water, water-course, high-

way, road, or street, shall be the boundary line between two counties, the courts, and judges, and justices, and all circuit and county officers, of both such counties, shall have concurrent jurisdiction in all cases over the whole extent of such parts of said river, water, water-course, highway, road, or street.

§ 2. The circuit court of each county bordering on the Mississippi, Ohio, Big Sandy, or Tennessee rivers, shall have concurrent jurisdiction of any treason or felony committed on any of said rivers.

§ 3. No person shall be twice punished or put in jeopardy for the same offense, under the provisions of the two preceeding sections.

ARTICLE III.

Treason and willful murder.

§ 1. If any person be guilty of treason against the commonwealth of Kentucky, he shall be punished with death, or be confined in the penitentiary not less than ten nor more than twenty years, at the discretion of the jury.

§ 2. All distinction between petit treason and willful murder is abolished.

§ 3. If any free white person advise, counsel, or conspire with a negro, bond or free, and cause him to rebel or make insurrection against the authority of his master or the laws of the land, he shall be punished with death, or confined in the penitentiary not less than six nor more than ten years, at the discretion of the jury.

§ 4. If any person be guilty of willful murder, he shall be punished with death.

ARTICLE IV.

Voluntary manslaughter, rape, and seduction.

§ 1. Whoever shall be guilty of voluntary manslaughter, shall be confined in the penitentiary not less than two nor more than ten years.

§ 2. Any person who shall willfully strike, stab, thrust, or shoot another, not designing thereby to produce or cause his death, and which is not done in self-defense, or in an attempt to keep and preserve the peace, or in the lawful arrest, or attempt to arrest a person charged with felony or misdemeanor, or in doing any other legal act, so that the person struck, stabbed, thrust, or shot, shall die thereof within six months next thereafter, shall be confined in the penitentiary not less than one nor more than six years.

§ 3. If any person shall be convicted of the crime of rape upon the body of an infant under the age of twelve years, he shall be punished with death.

§ 4. Whoever shall unlawfully and carnally know any white woman, against her will or consent, or by force, or whilst she is insensible, shall be guilty of rape, and shall be confined in the penitentiary from ten to twenty years.

§ 5. Whoever shall carnally know a white girl under the age of ten years, or an idiot, shall be confined in the penitentiary not less than ten nor more than twenty years.

§ 6. Whoever, being above the age of fourteen years, shall unlawfully take, whether with or without her consent, any unmarried white girl under the age of fourteen years out of the possession of her father,

mother, or other person having the lawful custody and charge of her, against the will and consent of such person, shall be confined in the penitentiary from one to two years, or fined from one hundred to five hundred dollars, at the discretion of the jury.

§ 7. Whoever, being above the age of fourteen years, shall unlawfully lead, or take away, or decoy, or entice away, or detain any child under the age of ten years, with intent to deprive the parent, or other person having the lawful care, charge, or possession of such child, or with intent to steal any article of value upon or about the person of such child, or shall, with any such intention, receive, conceal, or harbor such child, knowing it to have been so taken or enticed away, shall be confined in the penitentiary not less than one nor more than three years. But no person claiming in good faith to be the parent of such child, or to have the right to its possession, shall incur the penalty prescribed in this or the next preceding section.

§ 8. Whoever shall unlawfully take or detain any white woman against her will, with intent to marry such woman, or have her married to another, or with intent to have carnal knowledge with her himself, or that another shall have such knowledge, shall be confined in the penitentiary not less than two nor more than seven years.

§ 9. Whoever being married, the first husband or wife as the case may be being alive, shall marry any person, shall be confined in the penitentiary not less than three nor more than nine years. Persons whose husband or wife shall have absented themselves, and continually remain beyond the seas, or in any state of the United States, not having been heard of for the period of five years preceding the last marriage, the one not knowing the other to be alive; persons who at the time of such marriage shall be lawfully divorced and permitted to marry, or whose former marriage hath been or hereafter may be declared void; and persons whose former marriage was had or made within the age of consent, are not embraced in this section.

§ 10. If such offender be a man, his first wife shall, on his conviction be endowed of one third part of his real estate and slaves for life, and in fee of one third part of his other estate, to be allotted and recovered as dower in other cases. And if the offender be a woman, she shall forfeit her claim to dower in her first husband's estate.

§ 11. Whoever shall be convicted of the crime of sodomy or buggery with man or beast, shall be confined in the penitentiary not less than two nor more than five years.

§ 12. Whoever shall commit adultery or fornication with, or carnally know his or her father, mother, child, sister, or brother, shall be guilty of felony, and confined in the penitentiary not less than two nor more than six years.

§ 13. If any woman, not being a slave, be delivered of any issue of her body, which being born alive would be a bastard, shall endeavor privately, by drowning or secretly burying the same, or in any other way, directly or indirectly, to conceal the birth thereof, so that it may not be known whether it were born alive or not, she shall be confined in the penitentiary not less than two nor more than seven years.

ARTICLE V.

Robbery and Burglary.

§ 1. Every person guilty of robbery or burglary shall be confined in the penitentiary not less than three nor more than ten years.

§ 2. If any person, with an offensive weapon or instrument, shall unlawfully and maliciously assault, or shall by menace, or in or by any forcible and violent manner, demand any money, goods, or chattels, bond, bill, deed, or will, or other evidences of right, or any thing of value, of or from any other person, with a felonious intent to rob or commit robbery upon such person, he shall be confined in the penitentiary not less than one nor more than two years.

§ 3. Robbery or larceny of obligations, bonds, deeds, wills, bills obligatory or bills of exchange, promissory notes for the payment of money, lottery tickets, paper bills of credit, certificates of deposit of money with any bank or other person, or certificates or obligations granted by the authority of this commonwealth, that of the United States, or of any of them, or of account books or receipts, shall be felony, and punished in the same manner as robbery or larceny of goods and chattels.

§ 4. If any person shall feloniously take any goods or chattels, or other thing of value out of or from any church, chapel, or meeting house, school house, court house, or other public building, which goods and chattels, or other thing belong thereto, or shall rob any person in his dwelling house or place, or in any booth or tent in a fair or market, he, his wife, children, or servants, or other person then being within, or shall feloniously break any dwelling house or any part thereof, or any out house belonging to or used with any dwelling house, by day, and feloniously take away anything of value, although the owner or any person may not be there, he shall be confined in the penitentiary not less than one nor more than two years.

ARTICLE VI.

Maiming, or other crimes against the person.

§ 1. If any person shall unlawfully pull or put out an eye, cut, or bite off, or slit the tongue, nose, ear, or lip, or any part thereof, or cut or bite off any other limb or member, by fighting or otherwise, of another person, except the same be done in self-defence, or in doing some lawful act, he shall be confined in the penitentiary not less than one nor more than five years.

§ 2. If any person shall willfully and maliciously shoot at and wound another, with an intention to kill him, so that he does not die thereby, with a gun or other instrument loaded with a leaden bullet, or other hard substance, or shall willfully and maliciously cut, strike, or stab another with a knife, sword, or other deadly weapon, with intention to kill, if the person so stabbed, cut, or bruised, die not thereby, or shall willfully and maliciously administer poison or attempt to poison or administer poison to another, if death do not ensue in consequence thereof, he shall be confined in the penitentiary not less than one nor more than five years.

§ 3. If any person shall knowingly send any letter with or without a name signed thereto, or with a fictitious name, threatening to kill another, or do him or his wife or child harm, or to burn or destroy his house or other property, or to accuse him or his wife or child of a felony, with the

intention to extort or gain money, goods, wares, or merchandise, or a deed, will, or other instrument of writing, from the person so threatened or from any other, he shall be confined in the penitentiary not less than one nor more than ten years.

§ 4. If any person shall feloniously, in the night or day, break any warehouse, storehouse, office, shop, or room in a steam, wharf, or other boat, whether such place be or not a depository for goods, wares, or merchandise, and whether the goods, wares, and merchandise be or not exposed for sale in such place, with intent to steal, or shall feloniously take therefrom or destroy any goods, wares, or merchandise, or other thing of value, whether the owner or other person be or not in such house, office, room, or shop, he shall be confined in the penitentiary not less than one nor more than seven years.

ARTICLE VII.

Arson, and burning of buildings, &c.

§ 1. If any person shall be guilty of arson he shall be confined in the penitentiary not less than five nor more than twelve years.

§ 2. If any person shall willfully burn any court house, county or public prison, or the office of any clerk of a court, or the capitol of the commonwealth, or any office therein, or upon the capitol or public grounds, or any surveyor's office, or other public office within this state, or the office or depot of any railroad or canal company, he shall be confined in the penitentiary not less than seven nor more than twenty-one years.

§ 3. If any person shall willfully and unlawfully burn a tobaccohouse, warehouse, storehouse, or any house or place where wheat, corn or other grain, grass, fodder, hemp, or hay is usually kept, any stable, or out house, or any church or meeting house, or any other house whatever, or any stack or shock of hay, fodder, flax, hemp, pile of lumber, plank, cord-wood, tan-bark, wheat, or other grain, or any bridge or causeway upon a street, public highway, railroad, turnpike road, plank road, or canal or steam saw or grist mill, water grist or saw mill, steamboat or other water craft or vessel, he shall be confined in the penitentiary not less than one nor more than six years.

§ 4. If any person shall willfully, maliciously and unlawfully attempt to commit any of the offenses described in the three preceding sections, by trying to set fire to or ignite the same, or any materials therein, though the same or part thereof be not fired or burned, he shall be confined in the penitentiary not less than three months nor more than six years.

§ 5. If any person shall willfully and maliciously burn the penitentiary house, he shall be punished with death.

If any one so attempt to burn the same, by the means and in the manner described in the fourth section of this article, he shall be confined in the penitentiary not less than one nor more than six years.

ARTICLE VIII.

Perjury.

§ 1. Every person guilty of perjury shall be punished by confinement in the penitentiary of not less than two nor more than six years, unless in those cases where a different punishment is prescribed by law.

§ 2. If any person in any matter which is or may be judicially pending, or on any subject in which he can legally be sworn, or on which he is required to be sworn, when sworn by a person authorized by law to administer an oath, shall willfully and knowingly swear, depose, or give in evidence that which is untrue and false, he shall be confined in the penitentiary not less than two nor more than six years.

§ 3. If any person shall unlawfully and corruptly procure another, by any means whatever, to commit any of the offenses described in the two preceding sections, he shall be guilty of subornation of perjury, and confined in the penitentiary not less than two nor more than six years.

§ 4. If any person be convicted of either of the offenses described in the next three preceding sections, he shall ever afterwards be disqualified from giving evidence in any judicial proceeding, or from being a witness in any case whatever.

§ 5. If any person shall procure any juror to take gain or profit for rendering his verdict or refusing to render his verdict, he shall be confined in the penitentiary not less than one nor more than six years.

ARTICLE IX.

Forgery and Counterfeiting.

§ 1. If any person shall forge or counterfeit any gold or silver coin which is, or hereafter shall be, passing as current in this state, or shall knowingly and falsely utter, pay or tender in payment, any such counterfeit and forged coin, he shall be confined in the penitentiary not less than five nor more than fifteen years.

§ 2. If any person shall forge, counterfeit, or alter the warrant of the public auditor, check of the treasurer of the state, or certificate of either, or any other public security, or state bond, or coupon of interest thereon, with intent to defraud the commonwealth or any person; or if he shall be concerned in printing, writing, signing, uttering or passing, any such forged and counterfeit papers as above described, knowing the same to be forged and counterfeited, he shall be confined in the penitentiary not less than two nor more than five years.

§ 3. If any person shall forge, counterfeit, alter, or erase, the receipt or certificate of an inspector; or if he shall utter, tender in payment, or pass such receipt or certificate, knowing the same to be forged, counterfeited, altered, or erased, or shall have in possession such receipt or certificate, knowing the same to be forged and counterfeited, for the period of five days, without giving notice thereof to a justice of the peace; or if he shall knowingly export or ship any hogshead of tobacco, flour, or other commodity, with a forged and counterfeit stamp, receipt or certificate; or shall receive or demand tobacco, flour, or other commodity, of an inspector or other person, knowing the stamp or certificate to be counterfeit and forged; or shall fraudulently draw or take out of a stave, plank or heading board of any hogshead, cask, or other vessel so stamped, after the same shall have been delivered out of any public warehouse, he shall be confined in the penitentiary not less than one nor more than six years.

§ 4. If an inspector shall fraudulently issue to any person his receipt for any hogshead or cask of tobacco, flour, or other commodity, which he

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has not actually received in the warehouse whereof he is an inspector at the time, or shall fraudulently issue more than one receipt for the same article by him received, except when authorized by law so to do, he shall be confined in the penitentiary not less than one nor more than seven years.

§ 5. If any person shall forge or counterfeit any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for the payment of money or other thing, or any indorsement or assignment of a bond, writing obligatory, bill of exchange, or promissory note for the payment of money or other thing, or any acquittance or receipt for money, or property, or other thing, with intention to defraud another; or shall knowingly utter or publish as true any such instrument as above described; or shall fraudulently forge, counterfeit or utter any commission, patent, pardon, or public record, or an attested copy thereof, of any judicial, executive or legislative officer, or utter as true any of the before described papers, knowing them to be forged, counterfeit or altered, shall be confined in the penitentiary not less than two nor more than ten years.

§ 6. If any person shall fraudulently make or counterfeit any instrument, stamping an impression in the figure or likeness of the seal officially used by the commonwealth of Kentucky, or of the United States, or any of the states, or any officer of this state, the United States, or any of the states, or of any court or officer thereof, or of any corporation or officer thereof, or if he have in his possession any such instrument, and conceal the same, knowing it to be falsely made and counterfeited, or use the false impression made by such instrument, and utter and publish it as true, knowing it to be falsely made and counterfeited, he shall be confined in the penitentiary not less than five nor more than fifteen years.

§ 7. If any person shall forge or counterfeit any writing whatever, whereby fraudulently to obtain the possession of or to deprive another of any money or property, or cause him to be injured in his estate or lawful rights, or if he shall utter and publish such instrument, knowing it to be forged and counterfeited, he shall be confined in the penitentiary not less than two nor more than ten years.

§ 8. If any person shall write for and knowingly deliver, or cause to be delivered, to a slave not his own, or under his lawful control, a pass to go from one place to another, and shall affix the name of any one, or a fictitious name, thereto, without the consent, expressed or implied, of the owner or person having the control, he shall be guilty of forgery, and confined in the penitentiary not less than one nor more than five years.

ARTICLE X.

Bank notes, bank paper, &c.

§ 1. If any person shall forge or counterfeit a bank bill, or note, or check, or draft, upon a bank, or the certificate of deposit of money therein, of any bank or company incorporated by law, in any part of the United States, or any indorsement thereon; or shall erase or alter the same or any indorsement thereon; or shall tender in payment, utter, vend, exchange, barter, or demand to have exchanged for money, any such forged, erased, altered, or counterfeited bill, note, draft, check, or certificate of deposit, or the indorsement thereon, knowing the same to be

forged, counterfeited, erased, or altered, he shall be confined in the penitentiary not less than two nor more than ten years.

§ 2. If any person shall have or keep in his possession any counterfeit bank note, or counterfeit gold or silver coin, knowing the same to be forged and counterfeited, with the intention of circulating the same, he shall be confined in the penitentiary not less than two nor more than ten years.

§ 3. If any person shall have or keep in his possession promissory notes, purporting to be bank notes on any bank not in existence, or of any unauthorized association of persons for banking, knowing the notes to be such, with the intention of fraudulently circulating the same, or to pass, or offer to pass or circulate the same, he shall be confined in the penitentiary not less than two nor more than ten years.

§ 5. Whoever shall knowingly make or mend, or proceed to make or mend, or buy or sell, or have in his possession or control, any machine, press, die, tool, plate, or stamp, or other instrument or thing used or intended to be used in counterfeiting, shall be confined in the penitentiary not less than one nor more than four years.

And all such machinery, plates, stamps, die, tools, or other instrument, shall be seized, and may be used on the trial as evidence, and then defaced and destroyed by order of court.

ARTICLE XI.

Larceny.

§ 1. Persons guilty of larceny of goods and chattels of the value of four dollars or more, shall be punished by a confinement in the penitentiary of not less than one nor more than five years; and persons guilty of larceny of goods and chattels of less value than four dollars, shall be punished by stripes not exceeding thirty-nine, unless in those cases in which the punishment is specifically prescribed in this chapter.

Selling or stealing a free person as a slave.

§ 2. If any person shall steal and hold, or sell fraudulently, or offer to sell, a free person as a slave, knowing the person so sold or stolen to be free, he shall be confined in the penitentiary not less than five nor more than ten years.

Horse stealing.

§ 3. If any person shall steal a horse, mule, jack, or jennet, he shall be confined in the penitentiary not less than four nor more than eight years.

Hog stealing.

§ 4. If any person shall steal a hog, of the value of four dollars or more, he shall be confined in the penitentiary not less than two nor more than four years.

§ 5. If any person shall steal money, goods or chattels, of the value of four dollars or upwards, either from the person or possession of any one, or from his house, without violence or putting in fear, he shall be confined in the penitentiary not less than two nor more than four years.

§ 6. If the money, goods, and chattels stolen, as described in the preceding section, be under the value of four dollars, the offender, if a male, shall be punished by any number of stripes not exceeding thirty-nine, on his bare back; if a female, she shall be imprisoned not exceeding ten

days. A male convicted of larceny under this section shall pay the costs of prosecution, and shall be committed to jail until they are paid. After he has remained in jail ten days, and the judge is satisfied that the costs cannot be coerced, the convict shall be discharged.

§ 7. If any person shall fraudulently steal, destroy, or withdraw the record; or any part thereof, of any judicial proceeding pending or decided, he shall be confined in the penitentiary not less than two nor more than ten years.

§ 8. If any person shall willfully and fraudulently make a hole in any steamboat or other vessel or water craft in distress, or shall steal or destroy a pump, or other materials or goods belonging to such boat, vessel, or craft; or shall destroy or willfully do any thing tending to the immediate destruction of a steamboat, vessel, or other water craft, though the same be not in distress, whereby human life is endangered, he shall be confined in the penitentiary not less than one nor more than seven years.

§ 9. Whoever shall receive any stolen goods, chattels, or other thing, the stealing whereof is punished as a felony or misdemeanor, knowing the same to be stolen, shall be confined in the penitentiary not less than one nor more than six years. Such offenders may be convicted, though the principal offenders has not been convicted.

§ 10. If any person shall steal a land warrant or other authority issued by the register of the land office or other person having authority to make such warrant or authority, whereby waste and unappropriated land may be surveyed; or if he forge, erase, or alter the same, when rightfully issued; or utter and publish the same, knowing it to be forged, erased, stolen or altered, he shall be confined in the penitentiary not less than two nor more than ten years.

ARTICLE XII.

Embezzlement.

§ 1. If any director, or officer, or servant, of any incorporated bank, or any officer of public trust in this state, or any officer, agent, clerk or servant of any incorporated company, embezzle or fraudulently convert to his own use, bullion, money, bank notes or other security for money, or evidences of debt or claim, or any effects or property of another person which shall have come to his possession or been placed under his care or management as such officer, he shall be confined in the penitentiary not less than one nor more than ten years.

§ 2. If any carrier, porter, or other person to whom money or other property or thing which may be the subject of larceny, may be delivered, to be carried for hire, or any other person who may be entrusted with such property, embezzle or fraudulently convert to his own use, or secrete with intent to do so, any such property, either in mass or otherwise, before delivery thereof at the place, or to the person to whom the same were to be delivered, he shall be confined in the penitentiary not less than one nor more than five years.

§ 3. If any clerk or officer of any bank or joint stock company, make or alter, or omit to make, any entry in any account book kept by him in such bank or by such company, with intention to conceal the true state of such account, or to defraud the bank or company, or any individual,

or to enable or assist any person to obtain money to which he was not entitled, he shall be confined in the penitentiary not less than two nor more than ten years.

§ 4. If the master or manager of a boat or other vessel shall fraudulently land and put on shore any hogshead, cask or package of tobacco or flour, put on board of such boat or vessel to be carried to any public warehouse or other place appointed by law for the inspection of tobacco or flour, or shall fraudulently put the same on board some other vessel, so that the same be not delivered at the point to which it was shipped; or shall fraudulently open any hogshead, cask or package of tobacco or flour, before the same has been received by the inspector, he shall be confined in the penitentiary not less than one nor more than five years.

ARTICLE XIII.

Destroying a will—obtaining money, &c., by false pretenses.

§ 1. If any person fraudulently destroy or conceal a will or codicil, with intent to prevent the probate thereof, he shall be confined in the penitentiary not less than two nor more than five years.

§ 2. If any person, by any false pretense or token, with intention to commit a fraud, obtain from another money, property or other thing which may be the subject of larceny; or if he obtain by any false pretense or token, with like intention, the signature of another to a writing, the false making whereof would be forgery, he shall be confined in the penitentiary not less than one nor more than five years.

§ 3. Every person who shall falsely and fraudulently represent or personate another, and in such assumed character, shall

1. Marry another.

2. Become bail or surety for any party in any proceeding, civil or criminal, before any court or officer authorized to take such bail or surety.

3. Confess any judgment.

4. Acknowledge the execution of any conveyance of real estate, or of any other instrument, which by law may be recorded, or

5. Do any other act in the course of any suit, proceeding, or prosecution, whereby the person so personated or represented, purports to be made liable in any event to the payment of any debt, damages, costs, or sum of money, or his rights or interests may in any manner be affected shall, on conviction, be punished by confinement in the penitentiary for a term not less than one nor more than five years.

§ 4. No indictment for the offense described in the first subdivision of the preceding section, shall be found unless upon complaint of the injured party, and within two years after the perpetration of the offense.

§ 5. Every person who shall falsely and fraudulently represent or personate another, and in such assumed character shall deceitfully receive any money, or valuable property of any description, intended to be delivered to the individual so personated, with purpose to appropriate the same to his own use, shall, upon conviction, be confined in the penitentiary not less than one nor more than four years.

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ARTICLE XIV.

Destroying and obstructing public works and corner trees.

§ 1. If any person shall unlawfully and maliciously blow up or attempt to blow up with gunpowder or other material, any of the locks of the Louisville and Portland canal, or any of the works of a railroad company, turnpike or plank road company, or any of the locks and dams now built or which hereafter may be built by the commonwealth upon any water-course, or shall by any other means willfully and maliciously destroy or injure any of the locks or dams or works aforesaid, or any bridge over the same, or other public bridge, with intent to impede or injure the navigation or the travel thereon, or the use of any bridge across such canal or lock, or other water-course, he shall be confined in the penitentiary not less than two nor more than four years.

§ 2. If any person shall fraudulently and willfully remove, deface, cut down, or destroy a corner tree or corner stone to the survey of any tract of land, he shall be confined in the penitentiary not less than four nor more than eight years.

§ 3. If any person shall willfully and maliciously stop the passage of salt water conducted through pipes or troughs from a salt well or spring to a cistern or furnace where salt is made, or wrongfully fill up a salt well or spring, or pump used in either, so as to stop the use and benefit of said well, spring, or pump, he shall be confined in the penitentiary not less than one nor more than three years.

§ 4. If any person shall willfully and maliciously place an obstruction by stones, logs, sticks, or any other thing, on the track of a railroad, or shall tear up or remove any part or portion of a railroad or the works thereof, with intent to obstruct the passage of cars thereon, or to throw them off the track, he shall be confined in the penitentiary not less than one nor more than ten years.

§ 5. If any person shall willfully and maliciously injure, obstruct, or destroy a telegraph line, post or pier, or the materials or property belonging to or attached to a telegraph, he shall be confined in the penitentiary not less than two nor more than ten years.

§ 6. If any agent, officer or manager of a telegraph line constructed in this state, or other person, shall knowingly transmit, on or through the same, any false communication or intelligence, with intention to injure any one, or to speculate on any article of merchandise, commerce or trade, or with intent that another may do so; or if any agent, officer or manager of a telegraph line, from corrupt or improper motives or willful negligence, shall withhold the transmission of messages or intelligence, for which the customary charges have been paid or tendered, he shall be fined not less than ten nor more than five hundred dollars.

ARTICLE XV.

Offenses by convicts, &c.

§ 1. If a person convicted and confined in the penitentiary by the judgment of a court shall escape therefrom, or being out under guard shall escape from custody, he shall be punished by a further confinement in the penitentiary of not less than two nor more than six years, to commence after he shall have served out the time for which he was first convicted.

§ 2. The Franklin circuit court shall have jurisdiction of the offense in the preceding section mentioned.

§ 3. When a convict shall escape from the penitentiary, the keeper and one of the inspectors shall issue their warrant, directed to all sheriffs, constables, and marshals in the state, and to all persons, authorizing and requiring them to retake and convey such convict to the penitentiary. The person recapturing and conveying back to the penitentiary any convict shall be paid, out of the funds of the penitentiary, by the keeper, a reward of one hundred dollars, and all reasonable expenses. The keeper and one of the inspectors may employ persons to go in pursuit of the convict, and pay them, out of the funds of the penitentiary, a reasonable compensation for their services.

§ 4. If a sheriff or other officer shall refuse or willfully neglect to obey such warrant of the keeper and inspector, he shall be guilty of a misdemeanor, and, on conviction, fined not less than ten nor more than one hundred dollars.

§ 5. If any person shall, by violence or threats of violence, oppose an officer or other person in the attempt to recapture such fugitive from the penitentiary, or if any person shall rescue or attempt to rescue such fugitive after he is retaken, from the person having him in custody, he shall be confined in the penitentiary not less than one nor more than four years.

§ 6. The convict after he is retaken shall remain in the penitentiary until the time of his trial for the escape, without an examining court and without bail. The acquittal of the convict upon an indictment for the offense of escape from the penitentiary shall not affect the original sentence.

§ 7. If any person shall comfort, harbor, or conceal any fugitive from the penitentiary, knowing him to be such, except the husband or wife of the fugitive, he shall be guilty of a misdemeanor, and fined in a sum not less than thirty nor more than two hundred dollars.

ARTICLE XVI.

Escape and rescue of prisoners charged with crime.

§ 1. If a jailer, or other officer, or a guard, voluntarily suffer a prisoner in his charge or custody, convicted of or charged with felony to escape, he shall be confined in the penitentiary not less than one nor more than five years.

§ 2. If any of the persons named in the preceding section negligently suffer a person convicted of or charged with felony, or voluntarily or negligently suffer a person convicted of or charged with an offense not a felony, to escape from his custody, or willfully refuse to receive any one lawfully ordered into his custody, he shall be confined in jail not more than six months, or be fined not less than one hundred and not exceeding four hundred dollars.

§ 3. If a person confined in a jail on conviction of a felony, the punishment of which is confinement in the penitentiary, shall escape therefrom, he shall for such escape be confined in the penitentiary one year. If a prisoner be confined on sentence of imprisonment, or to be whipped, or under a capias, escapes from jail, he shall be confined in jail for such escape six months.

§ 4. If a person lawfully arrested upon a charge for a violation of the criminal or penal laws, forcibly or by bribery, effects his escape from the officer or guard, he shall be confined in jail not less than six nor more than twelve months.

§ 5. When a person is lawfully detained as a prisoner in any jail, or in custody, if any person shall convey any thing into the jail or county prison, with intent to facilitate the prisoner's escape therefrom, or shall aid him in any way to escape, or in the attempt to escape from such jail or custody, or shall forcibly rescue or attempt to rescue him therefrom, if such rescue or escape be effected he shall, if the prisoner was detained on a conviction or on a charge of felony, be confined in the penitentiary not less than one nor more than five years; and if the escape be not effected, or if the prisoner was not detained on such conviction or charge, he shall be confined in jail six months and fined not exceeding five hundred dollars.

§ 6. If any person unlawfully and by force arrest, or attempt to arrest, a prisoner from the presence of any judicial tribunal of original or final jurisdiction, while his trial is progressing, or after his conviction, or from the officer or guard of such tribunal having him in custody, he shall be confined in the penitentiary not less than one nor more than five years.

ARTICLE XVII.

Penal offenses and punishments.

§ 1. If any person shall, in a sudden affray, or in sudden heat and passion, without previous malice, and not in self-defence, shoot and wound another person with a gun or other instrument, loaded with ball or other hard substance, without killing such person; or shall, in like manner, cut, thrust or stab any other person with a knife, dirk, sword, or other deadly weapon, without killing such person, he shall be guilty of a misdemeanor, and fined not less than fifty nor more than five hundred dollars, and imprisoned not less than six months nor more than one year.

If any person unlawfully shoot at another, with intent to kill or wound such person, without inflicting a wound, he shall be fined not exceeding five hundred dollars, and imprisoned not less than six nor more than twelve months.

§ 2. If any person shall willfully and maliciously interrupt or disturb a congregation assembled on or at any place, of and for religious worship, or misuse or maltreat any person being there, he shall be fined in a sum not less than ten nor more than fifty dollars, or imprisoned not less than five nor more than twenty days, or both so fined and imprisoned, at the discretion of the jury.

§ 3. A justice of the peace, or any officer who is by virtue of his office a conservator of the peace, having knowledge of such offense, or being informed thereof by affidavit, as is prescribed in the next preceding section, may come with the sheriff or other officer, and call to his aid the power of the county if need be, and arrest the offender, put him under restraint, or may issue his warrant to an officer for that purpose.

§ 4. The person offending, when arrested, shall be kept in custody, unless he will give bond to the commonwealth, in the penalty of one hundred dollars, with good surety, that he will appear at a time and place to

be fixed by the officer taking such recognizance, and not depart until discharged by due course of law. On failure to give such bond, the person arrested shall be committed to jail for safe keeping, until the day fixed by the justice for trial. The justice shall fix the day and place of trial, within the county, not beyond ten days from the day of arrest.

§ 5. The justice who shall try the offender shall, if required by the party, cause a jury to be impaneled as often as need be to try the case, and ascertain the penalty and punishment within the limits prescribed herein; and if the defendant be found guilty, enforce the judgment by such process or order as may be necessary. If the accused do not demand a jury, the justice of the peace shall hear and decide the case.

§ 6. If a justice of the peace, or sheriff, or other officer, having knowledge or information of the commission of the offense described in the second section of this article, shall willfully neglect and fail to execute the duties required of them respectively by the provisions of this article, they shall severally be fined the sum of one hundred dollars for each offense.

§ 7. No officer for any civil cause, shall arrest any minister of religion or priest, whilst he is publicly preaching or performing religious worship in any religious assembly. An officer making or attempting to make such arrest shall be fined not less than ten nor more than fifty dollars.

§ 8. If any person, in any stage play, interlude, show, or exhibition, or in any public or professional speech or lecture, jestingly or profanely curse or swear, he shall be fined, for each offense, five dollars.

§ 9. If any person shall profanely curse or swear, or shall be drunk, he shall be fined five shillings for each offense; and every oath shall be deemed a separate offense. If either of the offenses in this section be committed in the presence of a justice of the peace, or of any court of record, the justice of the peace or such court may, instantler, without further proof, inflict the penalty imposed by law.

§ 10. Every white person who shall commit adultery or fornication shall, for every offense of adultery, be fined twenty dollars, and for that of fornication, ten dollars.

§ 11. No work or business shall be done or performed on the sabbath day, unless the ordinary household offices of daily necessity, or other work of necessity or charity. If any person on the sabbath day shall himself be found at his own or any other trade or calling, or shall employ his apprentices, servants or slave, or other person, bond or free, in labor, or other business, whether the same be for profit or amusement, unless such as is permitted above, he shall be fined two dollars for each offense. Every person, bond or free, servant or apprentice, so employed, shall be deemed a separate offense. Persons who are members of any religious society, who observe as a sabbath any other day in the week than Sunday or the christian sabbath, shall not be liable to the penalty prescribed in this section, if they observe as a sabbath one day in each seven as herein provided.

§ 12. If any person shall knowingly and fraudulently alter or deface the marks or brands on any horse, neat cattle, sheep, hog, or goat, he shall be fined in a sum not exceeding two hundred dollars, and imprisoned not exceeding six months.

§ 13. If any person shall drive sheep for a distance of more than eight

miles along a public highway, without having each sheep visibly branded or marked by tar or paint, with one or more letters or cross marks, he shall be fined not less than two nor more than ten dollars for each sheep so driven whilst unmarked.

§ 14. If any person shall die on board of any steamboat or other water craft, within this state, the master or other officer in command shall cause the dead body to be buried on shore, at least four feet deep; and for a violation of this section, such master or other officer shall be fined not less than two hundred dollars, and the vessel shall be liable to the payment of the fine imposed.

§ 15. Whoever shall unlawfully or secretly disinter or displace any dead human body from the grave or vault in which it had been deposited, shall be fined not more than five hundred dollars, and imprisoned not exceeding six months, or both, at the discretion of the jury.

§ 16. If any person shall exhibit or show, by riding or leading, a stud horse, or jack, or bull, or use him in covering, within view or hearing of any place of public religious worship, during the time that an assemblage of persons, bond or free, are engaged in such worship, or assembled for that purpose, or dispersing therefrom, he shall be fined not less than ten nor more than fifty dollars.

§ 17. If any person shall sell to or deliver to any white person, under the age of fifteen years, or to any slave or free person of color, any poisonous drug or medicine, without the written consent of the parent or guardian of such minor, or the master or person in law having lawful possession of such slave, he shall be fined one hundred dollars.

§ 18. If the commander of a steamboat shall fraudulently take wood from a woodyard or woodboat, in this state, without the consent of the owner thereof, and without making or intending to make compensation therefor, he shall be fined one hundred dollars.

§ 19. If any person, when legally summoned by a sheriff or other officer to assist him in the execution of his office, shall refuse to do so, he shall be fined fifteen dollars, unless he can give a good reason for such refusal or failure.

§ 20. If any person shall sell or purchase within this state, or remove from the limits thereof, any negro who may be entitled to his freedom after the expiration of a time then to come, knowing such negro to be thus entitled to his freedom, without first obtaining the consent of the county or circuit court of that county in which he has resided for the last preceding year, permitting such sale or removal out of the state, he shall be fined not less than one nor more than five hundred dollars, and imprisoned not less than six nor more than twelve months—one half of the fine to be paid to the informer and prosecutor. The offender may be indicted without a prosecutor; in which case, one third of the fine shall be paid to the commonwealth's attorney.

§ 21. The order of court, to authorize the sale or removal, shall state the name, age, and sex of the negro, and when he is to be set at liberty, and a certified copy under the seal of the court shall be given to the negro, at the time of the sale or removal.

§ 22. If any person shall conspire, confederate, or bind themselves, by oath, covenant, or agreement, maliciously and falsely to aid one another to carry on or institute any prosecution, in the name of the common-

wealth, against any other person, they shall be fined not exceeding one hundred dollars, or imprisoned not exceeding twelve months.

§ 23. If a butcher or other person shall knowingly, sell the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or shall sell flesh as of one animal knowing it to be that of another species; or if a baker, brewer, distiller, or other person knowingly sell unwholesome bread, or drink, he shall be fined not less than one nor more than fifty dollars.

§ 24. If any person fraudulently adulterate for the purpose of sale, any thing intended for food or drink, or any drug or medicine, with any substance injurious to health, he shall be confined in jail not more than one year and fined not exceeding five hundred dollars; and the adulterated articles, by order of the court, shall be destroyed.

§ 25. If any person unnecessarily and cruelly beat or torture any horse or other beast, whether his own or that of another, he shall be fined not exceeding fifty dollars.

ARTICLE XVIII.

Riots, routs, and breaches of the peace.

§ 1. If a riot, rout, unlawful assembly, affray, or breach of the peace, be made or committed, the same may be suppressed, and the persons guilty arrested by any judge of the circuit or county court, police judge, or justice of the peace, sheriff, marshal, or constable.

1. They shall have power to call to their aid the power of the county, if need be, and proceed to arrest the persons guilty of either of the offenses aforesaid, and commit them to jail, there to remain until the time fixed by the officer ordering the arrest, for the trial of the offenders, which shall not exceed five days from the day of arrest, unless the persons arrested shall severally enter into bond, with good surety, in a sufficient penalty, conditioned that they will be of good behavior, keep the peace, and personally appear on the day and at the place fixed for trial, and answer to the charge, and not depart without leave. When the arrest is made by a sheriff, marshal, or constable, the offenders shall be taken before a justice of the peace, or some other judicial officer, whose duty it shall be to recognize the offender, with good security, as above.

2. Any of the judicial officers as aforesaid, upon complaint on oath that any of the offenses above has been committed, shall issue his warrant directed to the sheriff or other officer, commanding him to arrest the persons charged and commit them to jail, unless they will give bond with surety, in a penalty to be stated in said warrant by the officer issuing the same, conditioned as above.

3. The sheriff, or other officer, shall summon a jury of twelve sober, discreet house-keepers, to attend at the time and place fixed for the trial of the offenders, who shall be sworn to try the case. If any, so summoned, shall fail to attend, or be objected to or excused, others shall be summoned in their stead. The justice or judge shall preside at the trial, and decide all questions of law arising in the case, and preserve order.

4. Upon hearing of the evidence, if the jury believe the defendants, or any one or more of them, guilty, they shall be, severally, fined in a sum not exceeding one hundred dollars, or imprisoned not exceeding three

months, or both so fined and imprisoned at the discretion of a jury. The persons convicted shall pay the costs of the prosecution.

5. If the prosecution is commenced by or at the instance of an officer, he shall not be liable to pay costs if the defendant is acquitted. If it be commenced at the instance of any other, such person shall be liable to costs. If the finding of the jury shall be for a pecuniary penalty alone, unless the same be paid, the defendant shall be committed to jail by the officer presiding at the trial, and confined for a term of days, which, at the rate of two dollars per day, will satisfy the whole fine imposed.

6. Nothing in this article shall be construed to repeal the common law in relation to riots, routs, affrays, unlawful assemblies, or breaches of the peace; which offenses may be punished as and by the common law as heretofore.

ARTICLE XIX.

Dueling.

§ 1. Whoever shall challenge another to fight in single combat, or otherwise, with any deadly weapon, in or out of this state, shall be imprisoned from three to twelve months, or fined five hundred dollars, or both.

§ 2. Whoever shall accept any such challenge, shall be imprisoned from one to six months, or fined two hundred and fifty dollars, or both.

§ 3. Whoever shall knowingly carry or deliver any such challenge, or consent to be a second to either party in any such duel, shall be imprisoned from ten to thirty days, or fined one hundred and fifty dollars, or both.

§ 4. Any person convicted of either of the offenses named in the three previous sections, shall forfeit any office he may then hold, and be excluded and held disqualified from receiving and holding any office, and also from exercising the right of suffrage within this commonwealth, for seven years after the date of his conviction.

ARTICLE XX.

Racing on the highway, &c.

§ 1. If any person shall induce or accept of any minor or slave, apprentice or servant, without the assent of the natural or statutory guardian of such minor, or the assent of the owner of such slave, or master of such servant or apprentice, to ride in a race, or to practice any horse to run, or to break any horse to ride or work, he shall for each offense pay the sum of one hundred dollars, to be paid to the guardian, owner or master, as the case may be, to be recovered by suit in any court having jurisdiction; and shall also be liable, in the same suit, for such other damages as the plaintiff may have sustained.

§ 2. If any person shall be engaged, directly or indirectly, in running a horse, by way of practicing him, or in running a horse race, on a public highway, or on the street of any town or city, he shall be fined ten dollars for each offense.

ARTICLE XXI.

Lotteries.

§ 1. Whoever shall set up, draw, manage, or otherwise promote any lottery for money or other thing, or dispose of, or promote the disposing of, any money or thing of value by way of lottery, or aid in the doing of either of said offenses, shall be fined from one hundred to ten thousand dollars.

§ 2. Whoever shall write, print, vend, or have in possession, with intent, for himself or another, to sell or offer to sell, negotiate, exchange, or dispose of any ticket, share of a ticket, or any writing, certificate, token or device, purporting or intended to entitle the holder, bearer, or any other person, to any prize, or any share of or interest in any prize, to be drawn in any lottery, in or out of this state, shall be fined for every such offense from one hundred to one thousand dollars.

§ 3. Whoever shall knowingly permit, in any house, shop or other building occupied or controlled by him, the setting up, managing or drawing of any lottery, or the sale or exchange of any lottery ticket or other thing mentioned in the preceding section, shall incur a like penalty as therein named.

§ 4. Whoever shall advertise or give public notice of any lottery, ticket, or other thing, in the last two sections, being for sale or exchange, or set up or exhibit any sign, symbol, or other representation of a lottery, or the drawing of a lottery, indicating where the same may be bought or obtained, in this state, shall incur the like penalty as in those sections named.

§ 5. The penalties of the three preceding sections shall apply as well where the lottery is merely pretended and fictitious, as to the cases where the lottery is real.

§ 6. When this chapter takes effect, all rights and privileges which may have been granted by the legislature of this commonwealth, to raise money by lottery for any purpose, shall cease and determine.

ARTICLE XXII.

Actions popular, or suits for penalty.

§ 1. All prosecutions for crimes or penalties, and all suits for penalties, shall be commenced in the court having jurisdiction of the same, of that county, town or city in which the crime was committed or the penalty incurred.

§ 2. The person who first, in good faith, shall sue for and recover judgment, shall be entitled to the penalty incurred by the defendant, in all cases where a part or the whole of the fine or forfeiture is given by law to the person suing; and no suit or judgment had or contrived, whereby to screen the offender from a penalty, or to prevent a suit in good faith by another person for the same, shall be available against a prosecution carried on in good faith, and without collusion with the defendant.

§ 3. It shall not be lawful for any commonwealth's attorney, or attorney prosecuting for the commonwealth, to receive or agree to receive, directly or indirectly, any money or other thing from any person prosecuted for, or supposed to be guilty of, violating any of the penal laws, in consideration not to prosecute such offender, or not to prosecute him for more than one violation of any penal law, nor in any other way to waive or fail to make a prosecution under any penal law, so as to enable the offender to escape or avoid the full penalty of the law. And if a commonwealth's attorney, or any attorney prosecuting for the commonwealth, shall violate any of the provisions of this section, he shall be guilty of a high misdemeanor, and fined not less than the amount imposed upon the offense compounded or agreed, and imprisoned ninety days.

§ 4. If an informer or prosecutor upon a penal statute, or in any crim-

inal prosecution, shall compound the penalty, or agree, directly or indirectly, with any one charged or supposed to be guilty of an offense against the penal laws, in consideration of any money or other thing paid or to be paid, not to produce the requisite proof, or to withhold any witness or evidence in the prosecution, or not to appear as prosecutor or witness against such person, he shall be guilty of a high misdemeanor, and be fined a sum not less than the penalty compounded, or to be imposed upon the person compounded with if he were found guilty, and imprisoned for sixty days; and if the prosecution compounded be for a felony, he shall be fined not exceeding two hundred dollars, and imprisoned not exceeding twelve months.

§ 5. In all cases coming within the provisions of the two preceding sections, where the court has reason to believe in the existence of any such corrupt agreement, the judge shall appoint an attorney to prosecute the accused compounded with, and may order the prosecution to proceed, notwithstanding any such corrupt agreement.

§ 6. In penal prosecutions, if the defendant confess judgment, it shall be for the penalty imposed by law; and if the attorney for the commonwealth, or prosecutor, shall by law be entitled to any portion of the same, only one half of the proportion allowed by law to such attorney or prosecutor, shall be paid to them, and the residue of the penalty shall enure to the commonwealth.

ARTICLE XXIII.

Usurpation of office and bribery of officers.

§ 1. If any person shall usurp any office established by the constitution or laws of this commonwealth, or shall knowingly hold and pretend to exercise such office, after his election or appointment thereto shall have been declared by a court of competent jurisdiction illegal or void, or after his term of office has constitutionally and legally expired, he shall be guilty of a misdemeanor, and fined in a sum not less than five nor more than fifteen hundred dollars.

§ 2. Whoever shall agree or promise to sell or purchase, for himself or another, directly or indirectly, for reward or profit, any office or employment of honor, trust or profit, or any deputation thereto, or any part or participation of the profits thereof, or any appointment or nomination thereto, or resignation thereof, or the consent or voice of any person to such appointment, or nomination, or resignation, shall be fined in a sum not less than fifty nor more than five hundred dollars.

§ 3. If a member of the general assembly, or if any executive or ministerial officer, shall take or agree to take, any bribe to do or omit to do, any act in his official capacity, he shall forfeit his office, and be fined in a sum not less than two hundred nor more than one thousand dollars; and, moreover, be disqualified from holding any office of trust or profit, and from the right of suffrage, for ten years.

ARTICLE XXIV.

Contempts.

§ 1. No court or judge shall, for any contempt against such court or judge, impose upon the offender a fine exceeding thirty dollars, or imprison him exceeding one day, without the intervention of a jury legal-

ly impanneled to assess the amount of fine and fix the duration of imprisonment.

§ 2. No justice of the peace or police judge shall, for any contempt offered to him, have power to inflict a fine exceeding three dollars, nor an imprisonment exceeding six hours.

§ 3. If any judge of a court, or justice of the peace, or police judge, violate the provisions of the two preceding sections, he shall be removed from office, and likewise subject to the action of the party injured.

§ 4. In all cases of trial by jury arising under this article, the truth of the matter may be given in evidence under the general issue.

§ 5. Witnesses, jurors, and officers of court, for a contempt in disobeying the summons of a court, or neglecting to execute or due return make of a subpoena or order of court, or other judicial officer, or for any other contempt, may be fined by the court or officer sitting as such, in a sum not exceeding thirty dollars.

If any person shall, with force and arms, enter any court house, or room in which a court is held, during the time such court shall be in discharge of their official duties, or if he obstruct or hinder by any means such court from discharging its duties, he shall be fined and imprisoned at the discretion of a jury.

§ 6. No court or judge shall proceed by process of contempt, or impose a fine against any person who shall, by words or writing, animadvert upon or examine into the proceedings or conduct of such court or judge, by words spoken or writing published not in the presence of such court or judge in the court house, during the sitting of the court.

§ 7. Persons committed to prison for a contempt shall not be admitted to bail.

§ 8. Upon a *capias* or other original process, if sued against a person charged with a contempt, the court or officer awarding it shall direct in what sum or penalty the accused shall give bond, with good surety, for his personal appearance at the time and place named in the process; which order shall be indorsed on the writ. If bond be given, and the condition thereof violated, proceedings as in other cases shall be instituted by the attorney for the commonwealth, to recover the penalty.

§ 9. If the person arrested by virtue of the process in the preceding section shall fail to give the bond as required, the officer making the arrest shall forthwith remove and lodge him in the jail of the county whence the process issued.

§ 10. Nothing in this article shall be construed to prevent any court or judge thereof from proceeding against any person writing or publishing a libel, or slanderous words, of and concerning such court or judge in relation to his judicial conduct in court, by indictment or presentment, nor from prohibiting any court or judicial tribunal from punishing any person guilty of a contempt, in resisting or disobeying any judicial order or process issued by or under the authority of such court or judicial tribunal or officer.

§ 11. If a sheriff or other officer corruptly, or through favor or ill-will, summon a juror with intent that such juror shall find a verdict for or against either party, or shall summon a grand juror from the like motives, with intent that such grand juror shall or shall not find an indictment or presentment against any particular individual, he shall be fined not ex-

ceeding five hundred dollars, and forfeit his office, and be forever disqualified from holding any office in this commonwealth.

ARTICLE XXV.

Trespass and injury to property.

§ 1. If any person shall wrongfully break or enter a park or other inclosed grounds used for the keeping, breeding, and cherishing of deer, elk, or buffalo, and hunt, drive or chase, take out, maim or kill any deer, elk, or buffalo therein found, shall be fined not exceeding twenty dollars, and shall also pay to the person aggrieved treble the amount of damages sustained. He shall, on conviction of the offense, be compelled to give bond with good surety, in the penalty of one hundred dollars, to keep the peace and be of good behavior for twelve months. On a failure to give such bond, the court shall commit him to jail for thirty days, unless such bond be sooner executed.

§ 2. Any person who shall knowingly and wrongfully kill or wound a tame or pet deer having a bell or collar on, shall be fined five dollars, and pay the owner three times the value of such deer.

§ 3. If any person shall hunt or fowl on the inclosed lands of another without his consent, he shall be fined five dollars for the first offense, and ten dollars for every subsequent offense; and he may be required, after conviction, to give surety in the penalty of fifty dollars, to keep the peace and be of good behavior for twelve months. And on failure to give such surety he shall be committed to jail for ten days, unless such surety in the meantime be given.

§ 4. If any person shall break or cut down, cut or destroy any head or dam of any pond, pool, moat, stew, stagnet, or pit, wherein fish are or shall be put or stored by the owner or person in possession thereof, or shall wrongfully and without leave fish in any of the places above enumerated, he shall be fined not exceeding fifty dollars, or imprisoned not exceeding three months, and pay the party aggrieved treble the damages sustained; and shall, if required, give bond in the penalty of one hundred dollars, with good surety, to keep the peace and be of good behavior for twelve months, or stand committed until such bond be given. If a slave commit any of the offenses in this section he shall be punished by stripes not exceeding thirty-nine.

§ 5. If any person shall enter upon and fish within the inclosed lands of another, without the consent of such person, he shall pay the owner, for each time he so enters and fishes, the sum of three dollars. If a slave so offend he shall be punished by order of a justice of the peace, by any number of stripes not exceeding ten.

§ 6. If any person shall kill, take, destroy, intoxicate, or sicken fish, great or small, or attempt to do so, in any stream, dam, moat, pit, stew, pool, or pond, by throwing or placing therein, or procuring it to be done, any preparation, substance, powders, berries, or medicine of a sickening, intoxicating, or destructive quality, he shall be fined ten dollars.

If a free negro be found guilty of any of the offenses in this section, by the verdict of a jury impaneled by a justice of the peace or in the circuit court, he shall be punished by any number of stripes not exceeding ten. If a slave be guilty of any of the offenses in this section, he shall be punished by the judgment of a justice of the peace, by any number of stripes not exceeding ten.

§ 7. If any person shall unlawfully and maliciously set fire to any woods, fence, grass, straw, or other thing capable of spreading fire on land, he shall be fined not exceeding one hundred dollars, and confined in jail not less than two nor more than twelve months.

§ 8. If any person intentionally or negligently set any woods on fire, whereby damage is done to the lands or property of another, he shall be amerced at the discretion of a jury.

§ 9. If any person unlawfully, but not with felonious intention, take, carry away, deface, destroy, or injure any property, real or personal, or other thing of value not his own, or willfully and knowingly, without a felonious attention, break down, destroy, injure, or remove any monument erected to designate the boundaries of this state, or any county, city, or town thereof, or the boundaries of any tract or lot of land, or any tree marked, or post or stone planted for that purpose, he shall be fined not less than ten nor more than two hundred dollars.

§ 9. If any person shall willfully kill, disfigure, or maim, any horse, cow, mule, jack or jennet, not his own, without the consent of the owner, he shall be fined not less than ten nor more than one hundred dollars, or imprisoned not less than one nor more than six months. If a slave be guilty of either of the offenses above described, he shall be punished by any number of stripes, not exceeding thirty-nine.

§ 11. If any person shall willfully and unlawfully cut down, or destroy by belting, topping, or otherwise, any fruit or shade tree of another, or quarry stone on the land, pull down or open the fence or gate, destroy or injure the vegetables, trees, or shrubbery in a garden of any other person, he shall be fined not less than five nor more than five hundred dollars.

§ 12. If any person willfully and unlawfully pull down or injure a church, court house, school house, or other public building, he shall be fined not less than five, nor more than five hundred dollars.

§ 13. If a slave commit either of the offenses described in the three next preceding sections, he shall be punished with stripes, not exceeding thirty-nine.

ARTICLE XXVI.

Surety for the peace.

§ 1. No person shall be required to enter into a recognizance to keep the peace or be of good behavior, for a longer period than one year, at any one time.

§ 2. In applications to bind persons to keep the peace and be of good behavior, the court, justice of the peace, or other officer, to whom such application is made, shall hear testimony, if offered by either party, to enable him to decide whether the application is vexatious, malicious, with or without good cause.

Mr. Lindsey moved the following as a substitute for said chapter:

CHAPTER —

PENAL OFFENSES.

ARTICLE I.

Definitions of terms, and explanations.

§ 1. The following words and terms, wherever occurring in this chapter, shall be understood as defined in this article, unless otherwise spe-

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cially provided for or there be something in the subject or context repugnant thereto :

§ 2. "Officer" signifies any person vested with authority to execute, and legally bound to execute, any public duty, whether for the state, a district, a county, a city, or a town.

§ 3. "Judicial officer" signifies any judge, magistrate, or other officer, vested with authority to decide matters submitted to him in the course of justice, according to law and right.

§ 4. "Ministerial officer" signifies any other officer than a judicial officer.

§ 5. A "bribe" means any reward, benefit, or advantage, present or future, to the party influenced or intended to be influenced, or to any other person, or the promise or hope of such reward, benefit, or advantage.

§ 6. "Grievous bodily harm" signifies any bodily injury from which danger to life may be reasonably apprehended, or whereby any limb, member, organ of sense or mental faculty is permanently disabled or impaired, the mutilation of any part of the body or head whereby permanent disfigurement is caused, the fracture or dislocation of any bone except a tooth, or any injury whereby the person receiving it is, during twenty days at least, in bodily pain, disabled or unable to follow his ordinary pursuits.

§ 7. The term "writing," or "written instrument," shall be deemed to include any thing upon which words, figures, or marks, at length or abridged, are written, printed, or otherwise expressed, or any map or plan is described. "Written instrument of justice" means any part of a record, or any writing used or intended to be used in a judicial proceeding.

§ 8. "Felony" is any offense punishable by death or confinement in the penitentiary in whole or in part, but it shall be no conviction of a felony unless such confinement or death be part of the sentence.

§ 9. "Misdemeanor" is any offense which is not a felony.

§ 10. "Night," or "night-time," as contradistinguished from day, shall be deemed to commence during April, May, June, July, August, and September, an hour after sun-set, and during the other months half an hour after sun-set, and conclude in both cases half an hour before sun-rise.

§ 11. An injury is willfully caused whenever the person from whose act or omission such injury results, either actually intended it to result from his act or omission, or believing that it was in any degree probable that such injury would so result, incurred the risk of causing such injury.

§ 12. An act is maliciously done or omitted, and an injury maliciously caused, whenever such act or injury is willfully done or omitted, or caused respectively, without legal justification or excuse.

§ 13. An injury is negligently caused whenever it is not willfully caused, but results from want of reasonable caution, in the undertaking or doing an act, either without suitable skill, knowledge, or ability, or without due care as to the nature and consequence of the act, or where it results from not exercising reasonable caution in doing the act, or from doing an act without reasonable caution for the prevention of mischief, or from the omitting to do any act which a person using reasonable caution would not have omitted to do.

§ 14. An injury is accidental when it is neither willful nor negligent.

An accidental injury is not a criminal offense, except as in this chapter mentioned.

§ 15. Whenever it is said that an offense shall be punished by a named penalty, it means that whoever commits the offense shall be so punished.

§ 16. One year is the minimum confinement in the penitentiary.

§ 17. The punishment by "death" means that the offender shall be hanged by the neck until he is dead.

§ 18. "Confined in, or confinement in the penitentiary," means that the offender shall be so confined at hard labor agreeably to the rules for the regulation of the penitentiary.

§ 19. "Imprisonment or imprisoned," means that the offender shall be imprisoned in the county or city jail, or if there be a county or city work-house, then in such work-house if the court shall deem it best.

ARTICLE II.

Accomplice and Accessory.

§ 1. Every one is an accomplice or accessory before the fact of a criminal act done, who not being present when the act is done, has by command, advice, consent, aid, encouragement, or otherwise, directly or indirectly, immediately or mediately, procured or promoted the doing of it.

He is an accomplice in respect of a criminal omission who in like manner procures the omission of the act, the omission to do which is criminal.

§ 2. An accomplice to a crime shall be deemed guilty of that crime, receive the same punishment as if committed by himself, may be found guilty under an indictment charging him as principal, may be indicted separately or jointly with the principal, and convicted though there be no conviction against the principal, and the acquittal of the principal shall be no bar to a prosecution of the accomplice.

§ 3. Accessories after the fact are those who, knowing that a person has committed a crime, conceal him or aid him to prevent or avoid arrest, or to escape after arrest.

All such accessories not herein exempted, and not herein otherwise provided for, shall be imprisoned not more than one year, and fined not more than a thousand dollars.

§ 4. A married woman shall have no exemption from criminal responsibility, by reason of her acting under the actual or supposed control of her husband in the commission of any felony, or the keeping of a brothel; but shall have such exemption for acting as accessory to him after the fact, or to another by his direction, or for receiving by his direction any stolen property, or other thing which it is unlawful to keep; or for the commission of any misdemeanor by his command and in his presence.

§ 5. Parent or grand parent, and child or grand-child, as also brother and sister, or husband and wife, shall not be criminally responsible for harboring or aiding without violence the escape of each other from justice, before arrest, or after escape.

ARTICLE III.

Attempt and instigation.

§ 1. An attempt to commit an offense is some act done towards committing, and in part execution of the intent to commit the same.

As mixing poison with a person's food, with intent to murder him; an effort to force a lock, slitting a pocket, or putting the hand into a pocket, with intent to steal.

§ 2. A mere preparation of means to commit an offense, without any thing being done towards its commission, is not an contempt.

§ 3. An attempt to commit a felony, where no provision is expressly made for the punishment of such contempt, shall be punished by confinement in the penitentiary for not more than three years, or by imprisonment for not more than one year, or by fine, not exceeding one thousand dollars. And if the offense do not amount to felony, it shall be punished by fine or imprisonment, or both, not exceeding one-half the penalty prescribed for the commission of the offense.

§ 4. Instigation to the commission of any offense, by commanding, soliciting, offering hire, or otherwise endeavoring to induce another to commit an offense, shall be punished in the same manner as an attempt to commit the offense.

§ 5. Nothing in the last section shall prevent an instigator from being deemed an accomplice where the offense is actually committed.

§ 6. No person can be convicted of such instigation on the mere testimony of the party professing to have been instigated, not corroborated by other evidence, direct or circumstantial.

ARTICLE IV.

General provisions.

§ 1. The punishment of slaves, for offenses committed by them, is elsewhere provided for, and not contemplated or provided for in this chapter; nor shall it interfere with the punishment elsewhere provided for free negroes.

§ 2. When a presumption is stated, it is not intended that the same is conclusive, unless so expressed.

§ 3. The commission, prosecution, or punishment of a felony or other offense, does not deprive the party injured of his civil remedy.

§ 4. If a person be acquitted of a charge of homicide, by reason of alleged insanity, the jury shall so find, and he shall thereupon be retained in custody, sent to the lunatic asylum, and there detained not less than one year.

§ 5. In convictions for felony or misdemeanor, the court may, in its discretion, give judgment for the commonwealth against the offender, in a sum, by way of costs, sufficient to cover the cost of apprehension, trial and detainer, before and after conviction.

§ 6. Except where death, or vacating an office is the punishment, the penalty must be fixed by the verdict of the jury, unless settled by law.

§ 7. Except as to costs, the death of the offender operates as a discharge of all pecuniary fines imposed on him; even if execution be levied, the officer shall proceed no further therewith.

§ 8. Whenever a person would himself be justified or excused for

any act, such justification or excuse shall extend to any one acting in his aid or defense.

§ 9. Whoever shall willfully disobey any statute, by doing any thing prohibited to be done, or omitting any thing commanded to be done, whereby any public injury shall or may accrue, and the offense be not otherwise specially provided for, shall be imprisoned not more than three months, or fined not more than five hundred dollars, or both.

§ 10. All laws, other than the statutes of this state, which make any forfeiture, all laws giving the benefit of clergy, or approvers to any one, bond or free, or on an appeal of felony, and all laws for the punishment of witchcraft, or false or pretended prophecies, are repealed.

§ 11. In no prosecutions, other than for perjury, shall any statement made by a witness whilst under legal examination as such, be used against him, directly or indirectly; nor shall he be prosecuted for any offense, the proof to maintain which would not probably have been obtained against him, but for the statements so made by him as a witness.

§ 12. In prosecutions for forgery, uttering a forgery, or for being possessed thereof, with intent to utter, the testimony of a party whose name is alleged to be forged may be dispensed with, if he reside out of the state, or at a greater distance than forty miles from the place of trial; and in lieu thereof, the testimony of any one well acquainted with the writing of such party may be allowed to prove the forgery.

§ 13. If, in any proceeding in a court of justice in which perjury shall be reasonably presumed to have been committed, any paper, book or document shall have been produced, which is necessary on a prosecution for such perjury, the court may detain the same as long as necessary for the purpose of such prosecution.

§ 14. A former conviction or acquittal for the same offense before a tribunal of competent jurisdiction, is a bar to any other prosecution therefor.

§ 15. A finding of not guilty, and acquittal by the judgment of the court upon the facts and merits, is such an acquittal, notwithstanding any defect of form or substance in the indictment or charge.

§ 16. Where a juror is withdrawn, or the jury discharged before verdict, or for any cause there is no verdict rendered, such proceeding is no bar to another prosecution.

§ 17. If the facts alleged in the second prosecution be such as, if proved, would not have been ground of conviction in the first, the former conviction or acquittal will not bar the second prosecution.

§ 18. An arrest of judgment or quashal of an indictment, for the insufficiency of the charge in form or substance, is no bar to another prosecution, even though the first charge should afterwards be adjudged to have been good and sufficient.

§ 19. An officer acquitted or convicted on an impeachment, is still responsible for a felony.

§ 20. When the court thinks the penalty fixed by the jury to be excessive, it may, in lieu of granting a new trial for that cause, reduce the penalty as to kind or degree, or both.

§ 21. Upon conviction of the offender, there shall be restitution to the owner of the thing stolen or embezzled, by order of the court, and where judgment is obtained in a civil action by the owner against the offender

for the value of the property stolen, embezzled, or maliciously destroyed, such offender being convicted of felony therefor, the judgment shall be a lien on his estate, and relate back to the time of his arrest, as against debts and alienations subsequent thereto. But the civil suit must be instituted within thirty days from the time of the arrest.

§ 22. A second conviction of a person to the penitentiary shall not be for less than double the time for which he was first sentenced, and upon a third conviction he shall be confined in the penitentiary for not less than twenty years or for life.

ARTICLE V.

Local jurisdiction.

§ 1. A person not in this state, committing an offense within the same, or counselng, aiding, or abetting its commission, is responsible therefor in this state, and the jurisdiction is in the county where the offense occurs.

As where a person in another state shoots some one in this state, or procures the commission of a felony in this state.

§ 2. Where the commission of an offense is commenced out of this state, and consummated here, the offender is responsible in this state, and in the county where consummated.

§ 3. Where the offense is committed in part in one county and in part in another, or the acts or effects occur in two or more counties, or the offense is commenced or committed in one and continued in another county or counties, the jurisdiction is in either county.

§ 4. The jurisdiction of an offense committed within one hundred yards of the boundary of two or more counties, is in either county, if it be a matter of doubt where the true line is.

§ 5. The jurisdiction against an accomplice or accessory, is in the county where he acts as accessory, or in that having jurisdiction against the principal.

§ 6. Where a water-course, highway or street is the boundary between two counties, the jurisdiction is in either county for any offense committed on such boundary.

§ 7. For treason or felony committed on the Big Sandy, Ohio, or Mississippi river, within this state, the jurisdiction is concurrent in each of the counties bordering on either of those rivers.

ARTICLE VI.

Treason and insurrection.

§ 1. Treason shall be punished by death, or by confinement in the penitentiary for not more than twenty years.

§ 2 All distinction between petit treason and murder is abolished.

§ 3. Any free person who shall aid in any insurrection of slaves against the free inhabitants of the state, who shall join in any secret assembly of slaves in which such insurrection shall be planned, with design to promote it, or who shall excite or persuade slaves to attempt such insurrection, shall be confined in the penitentiary for life, or for not less than five years; and if any death of a free person ensue from such insurrection, he shall be punished by death.

§ 4. By "insurrection" is meant an assembling with any sort of arms

or weapons to destroy free inhabitants, or to gain the liberty of the slaves by force.

§ 5. The term "excite" means to offer any persuasion or inducement which has insurrection for its object. It does not mean mere language calculated to make slaves discontented with their condition. Such language used with the design to promote such discontent, is an offense punishable by fine, from fifty to two hundred dollars, or imprisonment from one to six months.

ARTICLE VII.

Unlawful assembly, riot, rout, &c.

§ 1. Where any persons to the number of ten or more, armed with clubs or other weapons, or to the number of twenty or more, whether so armed or not, riotously demolish, pull down, or destroy, or begin to demolish, pull down, or destroy any house, building, bridge, milldam, canal lock, road, or other erection or structure; or any engine, or machinery; or the furniture or contents of any house or building; or any boat or vessel, or the apparel, furniture, or cargo thereof, they shall each be punished by confinement in the penitentiary not exceeding three years, or by fine not exceeding two thousand dollars, and imprisonment not exceeding one year.

§ 2. Whoever is a party concerned in any riot, rout, or unlawful assembly, not of the description designated in the last section, shall be punished by confinement in the penitentiary for one year, or by imprisonment for not more than a year, or by fine not exceeding a thousand dollars.

§ 3. Whenever any property of the value of fifty dollars or more shall be destroyed, or be injured to that amount by any persons to the number of ten or more, riotously or tumultuously assembled in a city, the city within which the property was situated shall be liable to indemnify the owner thereof to the amount of three fourths of the value of the property destroyed or injury sustained, if the owner shall have used all reasonable endeavors to prevent the destruction or injury, and to procure the conviction of the offenders. Any city or town paying for such destruction or injury may recover the amount paid from any or all of the offenders, and the owner may also recover from them the whole, or the residue of his loss. No conviction in a penal prosecution shall be a bar to any such civil remedy.

§ 4. An affray or breach of the peace shall be punished by not more than three months imprisonment, or not more than two hundred dollars fine.

§ 5. Nothing in this article shall preclude a justice of the peace from punishing in a summary way, as heretofore, an affray, assault and battery, or other such like breach of the peace, by fine of not more than twenty dollars, or imprisonment for not more than ten days, if he deem it expedient so to punish the same.

§ 6. Any person engaged in a riot, rout, unlawful assembly, affray, or breach of the peace, may be held to bail in a reasonable sum, for his good behavior for six months, and if necessary, for his appearance at the next circuit court, or for not giving the bail may be committed to prison until it is given.

ARTICLE VIII.

Disturbing worship.

§ 1. Whoever willfully interrupts or disturbs any religious assembly, or assembly for religious worship, service or ceremony, whether the offense be committed within or without the place of such assembly, shall be punished by imprisonment for not more than three months, or a fine of not more than three hundred dollars.

§ 2. No officer, for any civil cause, shall arrest any minister of religion or priest, whilst he is publicly preaching or performing religious worship in any religious assembly. Any officer making such arrest shall be punished as a disturber of a religious assembly.

ARTICLE IX.

Duelling.

§ 1. Whoever shall challenge another to fight in single combat, or otherwise, with any deadly weapon, in or out of this state, shall be imprisoned from three to twelve months, or fined five hundred dollars, or both.

§ 2. Whoever shall accept any such challenge, shall be imprisoned from one to six months, or fined two hundred and fifty dollars, or both.

§ 3. Whoever shall knowingly carry or deliver any such challenge, or consent to be a second to either party in any such duel, shall be imprisoned from ten to thirty days, or fined one hundred and fifty dollars, or both.

§ 4. Any person convicted of either of the offenses named in the three previous sections, shall forfeit any office he may then hold, and be excluded and held disqualified from receiving and holding any office, and also from exercising the right of suffrage within this commonwealth, for seven years after the date of his conviction.

ARTICLE X.

Offenses by and against officers.

§ 1. Any officer, or deputy of any officer, or any person bound to execute any office or public duty, who shall willfully omit to execute the same, shall be imprisoned not more than one month, or fined not exceeding five hundred dollars, or both.

§ 2. Whoever shall willfully disobey any lawful order, warrant, or command, duly made, issued, or given, by any court, officer, or other person, acting in a public capacity, and duly authorized, shall, if there be no other penalty prescribed, be imprisoned not exceeding thirty days, or fined not exceeding three hundred dollars, or both.

§ 3. Whoever shall willfully prevent, or endeavor to prevent, any officer or other person, lawfully acting or proceeding to act in the execution or discharge of any public office or duty, from so acting or proceeding to act, shall, in case no other penalty be specially provided, be imprisoned not more than three months, or fined not more than five hundred dollars, or both.

§ 4. Whoever shall assault any peace officer, acting in the due execution of his duty, or any person acting in aid of such officer, with a view to prevent the execution of such duty, shall be imprisoned not exceeding one year, or fined not more than one thousand dollars, or both.

§ 5. Whoever, being in lawful custody in any prison or other place of confinement, shall assault the jailer, or his servant, or other person having the custody, shall incur the penalties named in the last section.

§ 6. Whoever shall agree or promise to sell or purchase, for himself or another, directly or indirectly, for reward or profit, any office or employment of honor, trust or profit, or any deputation thereto, or any part or participation of the profits thereof, or any appointment or nomination thereto, or resignation thereof, or the consent or voice of any person to such appointment, nomination or resignation, shall be imprisoned not more than one year, or fined not more than two thousand dollars, or both. The penalty prescribed in this section is in addition to a forfeiture of the office whenever that penalty may be prescribed.

§ 7. Whoever shall by any means endeavor to force or corruptly persuade, or procure a member of the legislature, or any executive or ministerial officer, or his deputy, to do or omit to do any act in violation of his duty as such officer or deputy, shall be imprisoned not more than six months, or fined not more than a thousand dollars, or both.

§ 8. Whoever, being a member of the legislature or any executive or ministerial officer, or his deputy, shall take or agree to take any bribe to do or omit to do any act in his official capacity, shall incur the penalties of the last section.

§ 9. Any member of the legislature, or any executive, ministerial, or judicial officer, who shall be convicted of bribing or being bribed, of perjury, forgery, or any felony, shall, in addition to all other penalties, have his office vacated; and no pardon shall restore the forfeiture; and he shall be disabled from holding any office for ten years; and every person so convicted, whether an officer or not, shall forfeit the right of voting at any election in this state for seven years thereafter.

§ 10. Any executive officer, or his deputy, who shall willfully and maliciously commit any excess or abuse of authority, to the injury or tending to the injury of the public or any person, shall be imprisoned not more than six months, or fined not more than a thousand dollars, or both.

§ 11. Any such officer or deputy who shall, in violation of his duty and in abuse of his authority, do or omit to do any act, with intent, by such act or omission, to injure or defraud the state, or to defraud, oppress or injure any person, shall be imprisoned not more than one year, or fined not more than a thousand dollars, or both.

§ 12. Any such officer or deputy who shall, under color of his office, unlawfully exact and obtain from any other person, any money that is not due to him as such officer, or more than is due, or before it is due, or any other property or profit to which he is not entitled as such officer, shall be guilty of extortion, and incur the penalties prescribed in the last section.

ARTICLE XI.

Contempts.

§ 1. Whoever shall rescue, or endeavor to rescue any prisoner, being in the presence of any judicial officer, whilst acting in his official capacity, shall be confined in the penitentiary for not more than four years, or imprisoned not more than two years, or fined not more than three thousand dollars, or both so fined and imprisoned.

§ 2. Whoever shall assault or threaten violence to any person, on account of any act or thing lawfully done or performed, or to be done or performed by any person, in reference to or connection with any judi-

cial proceeding, or the execution of any process, or the custody of any prisoner, shall be imprisoned not exceeding six months, or fined not exceeding five hundred dollars, or both.

§ 3. Whoever shall assault any judicial officer, whilst acting in his official capacity, or shall maliciously do any personal violence to any juror, witness, or other person, in the presence of such judicial officer, so acting in his official capacity, shall be imprisoned not exceeding one year, or fined not more than one thousand dollars, or both.

§ 4. Whoever shall be guilty of a contempt of a court, or of a judicial officer, by uttering any insulting, opprobrious, or menacing words, or by any acts or gestures expressed, done, or committed in the presence of the court or such judicial officer, whilst acting in his official capacity, shall incur not exceeding half the penalties prescribed in the last section.

§ 5. The like penalties shall also be incurred by whoever shall, by force, or by violent or outrageous conduct, prevent, delay or interrupt the proceedings of any court of justice or judicial officer, whilst acting in his official capacity.

§ 6. But either of the offenses mentioned in the three last sections may be punished in a summary way by the court or judicial officer, by imprisonment not exceeding twenty-four hours, or by fine, if inflicted by the court, not exceeding thirty-five dollars, and if by a judicial officer, not exceeding ten dollars, or by both such fine and imprisonment.

Or the court may cause a jury of by-standers to decide on such offense, which jury, in its discretion, may punish it by imprisonment, not exceeding three months, or by fine not exceeding five hundred dollars, or both; and if the offender be an attorney at law, the jury may, in addition, direct that he be suspended from all the rights and privileges of an attorney in such court, for not more than six months.

§ 7. No person shall be punished by the summary process of contempt for words not spoken in the presence or hearing of a judge or court whilst sitting, nor for any publication made concerning the conduct or proceedings of such court or judge; but his liability shall be as heretofore to the private action of the judge or to a public prosecution.

ARTICLE XII.

Offenses by, and concerning judicial officers.

§ 1. Any judicial officer, who shall in violation of his duty as such officer, commit any excess of authority with any corrupt or malicious intention, or abuse his authority by doing or omitting to do any act or thing, willfully and corruptly, or with the malicious intent wrongfully to oppress or injure any other person, or willfully neglect to execute his duty as such officer to the hindrance of justice, shall be imprisoned not exceeding two years, or fined not exceeding five thousand dollars, or both.

But nothing in this section shall make such officer criminally liable in respect of any mere error in giving judgment.

§ 2. Any judicial officer, arbitrator, or umpire, who shall take or agree to take any bribe, given or offered with intent unduly and corruptly to influence his conduct as such officer, arbitrator, or umpire, shall incur the penalties prescribed in the last section.

§ 3. Whoever shall by any means endeavor unduly and corruptly to

influence any judicial officer, arbitrator, or umpire, in his conduct as such, shall incur the penalties prescribed in the last section.

§ 4. Whoever shall, upon any record or paper for entering the judgment, decree, order, sentence or proceeding of any court of justice, or any official minute or memorandum thereof, or for the official recording of written instruments, willfully make any false entry of any judgment, decree, order, sentence or proceeding, or official minute or memorandum thereof, or any false copy of any written instrument, or any false minute or memorandum concerning a written instrument, whereby any person shall or might be prejudiced, shall be guilty of forgery and incur the penalties of forgery.

ARTICLE XIII.

Offenses by, and concerning jurors.

§ 1. Any juror who shall take or agree to take any bribe, given or offered with intent unduly and corruptly to influence his conduct as a juror, or shall agree with or promise any other person to make, pronounce, or deliver any verdict, or to refrain from doing the same, for or against any party in any proceeding, shall be imprisoned not exceeding two years, or fined not exceeding three thousand dollars, and shall forever thereafter be disqualified from acting as a juror or holding any office.

§ 2. Whoever shall by any means endeavor unduly and corruptly to influence a juror, or any person impaneled, summoned, or expected to serve as a juror in any proceeding, in respect of his duty as a juror, shall be imprisoned not more than one year, and fined not exceeding two thousand dollars, and shall forever thereafter be disqualified from acting as a juror or holding any office.

§ 3. The last two sections shall apply although the juror so attempted to be influenced, bribed, or agreeing to be bribed, shall not be afterwards sworn as a juror, or no verdict be given, or whether the verdict, if given, be true or false.

§ 4. Whoever by any indirect means or contrivance, shall procure himself or another to be returned, impaneled, or sworn as a juror in any proceedings, with intent to favor or give any undue advantage to any person interested in the proceeding, shall be imprisoned not more than six months, or fined not more than a thousand dollars, or both.

§ 5. Whoever, being a juror, shall, by tossing up, drawing lots, or other mode of chance, or by any other means contrary to his oath, determine his verdict as a juror, shall be imprisoned not more than one month, or fined not exceeding two hundred dollars, or both.

ARTICLE XIV.

Offenses by, and concerning witnesses.

§ 1. Whoever shall unlawfully and willfully prevent, or endeavor to prevent any person from appearing as a witness, and giving evidence, or producing any writing in any judicial proceeding, shall be imprisoned not more than three months, or fined not more than two hundred dollars, or both.

§ 2. Willful and corrupt perjury shall be punished by confinement in the penitentiary for not less than two nor more than six years.

§ 3. Whoever in any form which he admits to be binding on his conscience, shall have taken an oath in substance to speak or depose the

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truth, shall, as regards the crime of perjury, be deemed to have been lawfully sworn.

§ 4. He shall be deemed to have admitted that an oath is binding on his conscience by having taken it either in the ordinary form, or according to any particular form, assented to, or not objected to by him. An affirmation or declaration shall be deemed to be the same as an oath.

§ 5. Whoever procures or endeavors to procure any other person to commit perjury, is guilty of subornation of perjury, and shall be confined in the penitentiary for not less than two nor more than six years.

§ 6. Whoever by perjury, or subornation of perjury, shall endeavor to procure the conviction of another person of any capital offense, shall be confined in the penitentiary for not less than five nor more than fifteen years.

§ 7. Perjury or subornation of perjury, committed with intent to destroy the life of any person, and by reason whereof such person is convicted and suffers death by the sentence of the law, shall be punished by death or confinement in the penitentiary for life, or for not less than fifteen years.

ARTICLE XV.

Resistance, rescue, and escape, &c., &c.

§ 1. Whoever shall resist by force the lawful apprehension of himself or another, on any charge of felony, shall be imprisoned not more than one year, or fined not more than a thousand dollars, or both.

§ 2. Whoever shall resist by force the lawful apprehension of himself or another, on any charge not amounting to felony, shall be imprisoned not more than three months, or fined not more than three hundred dollars, or both.

§ 3. Whoever shall escape from custody under any charge of felony, shall be imprisoned not more than one year, or fined not more than a thousand dollars.

§ 4. Whoever shall escape from custody under a conviction for felony, shall be confined in the penitentiary for not more than three years.

§ 5. Whoever shall rescue or endeavor to rescue any prisoner, being in lawful custody, for any misdemeanor, before or after conviction, or shall aid such prisoner in escaping or endeavoring to escape, shall be imprisoned not more than six months, and fined not more than five hundred dollars.

§ 6. Whoever shall rescue or endeavor to rescue any prisoner, being in lawful custody, before conviction for any felony, or shall aid such prisoner in escaping or endeavoring to escape, shall be imprisoned not more than one year, and fined not more than one thousand dollars.

§ 7. Whoever shall rescue or endeavor to rescue any prisoner, being in lawful custody, under sentence or conviction for any felony, or shall aid such prisoner in escaping or endeavoring to escape from such lawful custody, shall be imprisoned not more than two years and fined not more than two thousand dollars, or shall be confined in the penitentiary not more than three years.

§ 8. Any jailer, or other officer, or the deputy of such jailer or officer, who voluntarily suffers the escape of any prisoner in his custody upon conviction of any offense, or upon any criminal charge, shall incur the

penalties of the last section, be removed from office, and be forever thereafter disqualified from holding any office; and furthermore, if the prisoner was in custody for a capital offense, such jailer, other officer or deputy, shall be confined in the penitentiary for not less than ten years.

Any such jailer, officer, or deputy, who through negligence suffers such prisoner to escape, shall be imprisoned for not more than two years, or fined not more than two thousand dollars, or both.

§ 9. Whoever shall rescue or attempt to rescue any person, being in lawful custody for any cause other than felony or misdemeanor, or shall aid such person in escaping or endeavoring to escape from such custody, or shall rescue or endeavor to rescue any moveable thing being in the custody of the law, or shall forcibly resist the lawful making of any distress, levy, seizure, or attachment, shall be imprisoned not more than six months and fined not more than five hundred dollars.

§ 10. Whoever shall convey into any prison, or place used as a prison, or cause to be conveyed therein, any disguise, weapon, or instrument, to facilitate the escape of any prisoner therein; or shall deliver or cause to be delivered to any prisoner in custody, any disguise, weapon, or instrument, to facilitate his escape, shall incur the same penalties as he would have incurred for aiding such prisoner in making his escape.

§ 11. Whoever shall put any thing in any place, or on or near the person of another, or do any other act with intent to create any false indication, or raise any false presumption of guilt, and thereby to prejudice any party on a criminal charge then made, or afterwards to be made against him, shall be imprisoned for not more than two years or fined not more than two thousand dollars, or both.

§ 12. If two or more persons shall conspire falsely to charge any other person with any crime, or by means of false evidence to procure any other person to be convicted of any crime, every person so conspiring, if such crime be punishable with death, shall be confined in the penitentiary for not more than five years; or if the crime be otherwise punishable, such person shall be imprisoned for not more than three years nor less than three months.

§ 13. Compounding an offense consists in any agreement, promise, or consent, for any reward, restitution, or other consideration, to forbear to prosecute or to further prosecute an offender in respect of any offense, whether such offense shall have been actually committed or not. Such compounding shall be punished by imprisonment for not more than one year, or fine of not more than one thousand dollars.

§ 14. Whoever willfully intending to prevent, obstruct, or pervert the due administration of justice, shall give or receive any gratuity or reward, or shall make or accept any promise thereof, express or implied, upon an agreement or understanding, express or implied, that any one shall evade giving his testimony, or shall destroy, conceal, or suppress any deposition, or other legal evidence in any suit or proceeding in the course of justice, criminal or civil, shall incur the penalties of the last section.

§ 15. Whoever by any false personation shall fraudulently deceive, or endeavor to deceive or impose on any court or judicial officer, with intent thereby to pervert the due course of justice, shall be confined in the penitentiary for not more than three years.

§ 16. Whoever shall steal, or shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall maliciously obliterate, injure, or destroy any written instrument of justice, or any material part thereof, shall be confined in the penitentiary for not more than seven years.

§ 17. Whoever, with intent to pervert the course of justice, or to defraud or injure any other person, shall forge any written instrument of justice, or any office copy thereof, or shall utter the same, or act or profess or attempt to act under the same, knowing it to be forged, shall be confined in the penitentiary for not less than two nor more than ten years.

§ 18. If any officer authorized to serve or execute lawful process, to whom is tendered or delivered such process, requiring him to apprehend or confine any person convicted of or charged with an offense, and who willfully and corruptly refuses, neglects, or improperly delays to serve or execute the same, whereby such person shall avoid arrest, or go at large, shall be imprisoned not more than one year, or fined not more than a thousand dollars.

§ 19. Any sheriff or other officer whose duty requires him to execute any capital sentence, who shall willfully fail or refuse to execute any capital sentence as required by law, shall be confined in the penitentiary for not more than five years, and fined not more than five thousand dollars.

§ 20. Any person lawfully required, in the name of the commonwealth, by any justice, sheriff, deputy sheriff, coroner, constable, or other peace officer, to assist him in the execution of his office, in the making or maintaining any arrest, or preservation of the peace, or in the making and maintaining of any levy or attachment, or in the lawful execution of any judicial order, who refuses or neglects to render the assistance so required, shall be imprisoned not more than one month, or fined not more than fifty dollars.

§ 21. Whoever falsely assumes to be a justice of the peace, sheriff, deputy sheriff, coroner, constable, or other peace officer, and takes upon himself to act as such, or requires any person to aid him in a matter pertaining to the duty of such pretended office, shall be imprisoned for not more than one year, and fined not more than a thousand dollars.

§ 22. An attorney for the commonwealth shall be deemed guilty of compounding an offense, who, before conviction, shall receive, or agree to receive money or other thing, or the promise thereof, not to prosecute for any violation of a penal law, or only to prosecute for one or more violations thereof, or in any other way to aid or favor an offender in escaping or avoiding the full penalties of the law.

If he is entitled to a portion of the penalty, and agrees to give such aid or favor to the offender, upon payment or confession of judgment for one or more penalties, or a part thereof, he shall also be deemed guilty of compounding an offense.

§ 23. Any prosecutor or informer, under any penal act, who, before conviction, shall receive any part of the penalty, and in consideration thereof, or the promise thereof, or in consideration of money or other thing, received or promised at any time, shall fail to prosecute, or agree not to prosecute the offender for any or all the penalties incurred by

him, or to withhold any witness or evidence against him, such prosecutor or informer shall be deemed guilty of compounding an offense.

ARTICLE XVI.

Offenses against public morals and decency.

§ 1. Whoever shall maliciously sell or circulate any book, pamphlet, sheet, print, drawing, or painting, which contains, expresses or signifies any obscene, lewd or immoral matter or meaning, tending to deprave or corrupt the morals of the people, shall be imprisoned not more than thirty days, or fined not more than one hundred dollars, or both.

§ 2. Whoever shall be guilty of any open lewdness or indecency in any public thoroughfare or other place of public resort, or in view thereof, shall incur the like penalty.

§ 3. Whoever shall unlawfully prevent, or arrest, or obstruct, the burial of any dead human body, or disinter or displace any dead human body, which shall have been buried or deposited in any vault or cemetery, shall be imprisoned not more than three months, or fined not more than five hundred dollars, or both.

§ 4. Whoever shall sell or expose his wife to sale, or shall agree to buy the wife of another person, shall incur the like penalty.

§ 5. Whoever shall keep any bawdy house, or other disorderly house, room, or place, shall be imprisoned not more than six months, or fined not more than a thousand dollars, or both.

§ 6. Whoever, being married, shall marry another person in this state, during the life of the former husband or wife; or so having married another person out of this state, cohabits as man and wife with such other person within this state, is guilty of bigamy, and shall be confined in the penitentiary from three to nine years.

1. A person shall be deemed to be married though his or her first marriage be voidable.

2. A person shall be deemed to be married, though the first marriage has been dissolved by decree of divorce, if the subsequent marriage takes place before, by the terms of the decree or the law, the party is permitted to marry again.

§ 7. The last section shall not apply to any person marrying a second time, whose husband or wife shall have been continually absent from such person for the space of five years then last past, and shall not have been known by such person to have been living within that time.

§ 8. The party to such marriage or cohabitation who is not guilty thereby of bigamy, shall not be treated as an accessory or accomplice thereto.

§ 9. Adultery shall be punished by fine of sixteen dollars; fornication by fine of eight dollars; profane cursing or swearing by a fine of one dollar; and being drunk by a fine of one dollar.

§ 10. Whoever, on the sabbath day, shall be found laboring at his own or any other trade or calling, or shall employ so his apprentice, servant or slave, except in the ordinary household offices of daily necessity, or other works of necessity or charity, shall be fined two dollars; and every apprentice, servant, or slave so employed, shall be deemed a distinct offense.

But no person shall be liable to such penalty who is a member of a

religious society, which observes any other day of the week than Sunday as a sabbath or day of rest, if he so observe such other day.

§ 11. Whoever shall exhibit or show a stud horse or jack, or use him in covering, within view or hearing of any place of public worship, during the time that any assemblage of persons are engaged in public worship, or assembled for that purpose, or dispersing therefrom, so as in any way to disturb or annoy any part of such assemblage, shall be fined not more than fifty dollars.

ARTICLE XVII.

Common nuisance.

§ 1. A common nuisance shall be punished by imprisonment for not more than one year, or by fine of not more than one thousand dollars, or both.

§ 2. Whoever shall willfully or maliciously do or omit any act, with intent to endanger or manifestly tending to endanger the personal safety of any passenger or person conveyed in or upon any carriage or engine passing along any railway, shall be confined in the penitentiary not more than four years, or imprisoned not more than one year.

§ 3. Whoever shall maliciously do or omit any act with intent to obstruct, or directly tending to obstruct, the lawful use of any railway, shall be imprisoned not more than one year, or fined not more than a thousand dollars, or both.

§ 4. Whoever, being an engine-driver or conductor of any railway, engine, or car, shall be found drunk while employed in superintending such engine or car on the railway, or shall negligently and contrary to duty do or omit to do any act whereby the life or limb of any person passing along or being upon the railway is greatly endangered, shall be imprisoned not more than two months, or fined not more than two hundred dollars, or both.

§ 5. Any apothecary, druggist, or other person, who shall sell or deliver to any white person under the age of fifteen years, or to any slave or free negro, any poisonous drug or medicine, without the consent of the parent or guardian of the minor, or the master or hirer of the slave, shall be fined one hundred dollars.

§ 6. Running a horse-race, or running a horse by way of practicing him to run, in any public street or highway, shall be punished by a fine of ten dollars for each offense.

§ 7. If any person induce or permit a minor or a slave, without the consent of his parent, guardian, master, or owner, to ride in a horse-race or in practicing a horse to run, or in breaking a horse or mule to ride or work for such person, he shall pay the parent, guardian, master, or owner, one hundred dollars for each offense, in addition to such other damages as the party may show himself entitled to.

ARTICLE XVIII.

Lotteries.

§ 1. Whoever shall set up, draw, manage, or otherwise promote any lottery for money or other thing, or dispose of, or promote the disposing of, any money or thing of value by way of lottery, or aid in the doing of either of said offenses, shall be fined from one hundred to ten thousand dollars.

§ 2. Whoever shall write, print, vend, or have in possession, with intent, for himself or another, to sell or offer to sell, negotiate, exchange, or dispose of any ticket, share of a ticket, or any writing, certificate, token or device, purporting or intending to entitle the holder, bearer, or any other person, to any prize, or any share of or interest in any prize, to be drawn in any lottery, in or out of this state, shall be fined for every such offense from one hundred to one thousand dollars.

§ 3. Whoever shall knowingly permit, in any house, shop or other building occupied or controlled by him, the setting up, managing or drawing of any lottery, or the sale or exchange of any lottery ticket or other thing mentioned in the last preceding section, shall incur a like penalty as therein named.

§ 4. Whoever shall advertise or give public notice of any lottery, ticket, or other thing, in the last two sections, being for sale or exchange, in this state, or set up or exhibit any sign, symbol, or other representation of a lottery, or the drawing of a lottery, indicating where the same may be bought or obtained, shall incur the like penalty as in those sections named.

§ 5. The penalties of the three preceding sections shall apply as well where the lottery is merely pretended and fictitious, as to the cases where the lottery is real.

ARTICLE XIX.

Offenses relating to the current coin.

§ 1. The term *coin*, as used in this chapter, means any gold or silver money, or money of which gold or silver, or both, are the principal constituent parts, current by law or usage in any part of the United States.

§ 2. Counterfeiting is the falsely making, or assisting in the making any coin resembling or apparently intended to resemble or pass for any current gold or silver coin, and of less intrinsic value than the coin of which it is a resemblance.

1. The offense is complete, though the counterfeit coin be not finished or perfected, or in a fit state to be uttered.

2. The gilding or silvering, or the washing with any material producing the color of gold or silver, of any copper or spurious coin, or the so gilding or coloring, with the color of gold, of any silver coin, is counterfeiting.

3. The filing, clipping, or in any manner altering the current coin, so as to impair or diminish its value, is also counterfeiting.

§ 3. The *uttering* of counterfeit coin means the fraudulent putting it in circulation, passing, tendering, or offering to pass it as genuine, or aiding therein, knowing the same to be counterfeit; or the selling it to another, or employing another to sell or pass it, such other knowing or believing it to be counterfeit.

§ 4. Whoever shall counterfeit any gold or silver coin, or utter the same, shall be confined in the penitentiary for not less than four nor more than fifteen years.

§ 5. Whoever shall have in his possession or custody three or more pieces of counterfeit coin, knowing the same to be counterfeit, and with intent to utter the same, shall be imprisoned for not more than two years, and for a repetition of the offense, after one conviction, shall be confined in the penitentiary from four to fifteen years.

§ 6. Whoever shall at any one time knowingly have in his possession, custody, or control, ten or more pieces of counterfeit coin shall be presumed to know that they are counterfeit and intend to utter them, unless he can prove that he paid for them their full nominal value.

§ 7. Whoever shall buy, sell, receive, pay or put off, or offer to buy, sell, receive, pay, or put off any counterfeit coin, at or for a lower rate or value than the same by its denomination imports, shall be confined in the penitentiary not more than five years.

§ 8. Whoever shall knowing make or mend, or proceed to make or mend, or buy, or sell, or have in his custody, possession, or control, any machine, press, die, or tool, used or intended to be used in counterfeiting, shall be confined in the penitentiary from four to fifteen years.

ARTICLE XX.

Forgery.

§ 1. Forgery is the false making of an instrument by one person with intent to prejudice, and which might prejudice the right of another, if received as true and genuine.

1. "Instrument" comprehends any written instrument, and any character, figure, impression, device, or other visible mark, whether it appear on any material, or in the substance thereof, and also any type, die, seal, stamp, plate, or other thing for making, upon or in any material, any impression, mark, or other visible distinction used or intended as a means for authenticating the truth or genuineness of any fact or thing.

2. "Written," as used in the last subsection, applies whether the words or figures of the instrument, or any of them, be expressed at length or abridged, and whether they be so expressed by means of writing, printing, or otherwise.

3. An instrument is falsely made when it is not really the instrument or mean of authentication for which it is intended to be taken, and is made with intent to obtain that credit which would be due to it if it were genuine.

4. It is falsely made, if so made in any material part.

5. Any alteration of it in a material part, whether by addition, diminution, erasure, or other device or means, is a false making.

6. It is not essential that any one should be actually prejudiced or deceived by the forgery.

7. Nor is it material that the party making or uttering the forgery intended to prevent any prejudice thereby to any other person, or to make indemnity for such prejudice, if the forgery was intended to deceive or defraud any one, and its use would tend to defraud or prejudice another.

8. Where the falsification has no tendency to prejudice another, it is not a forgery. As the substitution of a lesser sum in a bond by the obligee.

§ 2. If several persons shall make distinct parts of, or shall otherwise designedly contribute to the making a false instrument which is the subject of forgery, each of such persons shall be deemed to have falsely made such instrument.

§ 3. If any person, being deceived as to the contents of any written instrument, shall be induced to sign or otherwise execute the same, the

party by whom he was so induced to sign or execute the same, shall be deemed to have falsely made it, and punished as for a forgery.

§ 4. If a person shall make or execute in his own name, any written instrument, which is false in respect of the date, or any other material part, with intent to prejudice the right of another, it shall be deemed to be a false making of such instrument.

§ 5. It shall be deemed to be a false making of a written instrument if the offender falsely make it with intent to prejudice the right of another, in the name of any other person, real or supposed, although such name be the offender's own.

§ 6. It is not necessary that the forged instrument should be valid, if genuine, provided it be not illegal in its very frame; and whether the objection to its validity be founded on a mistake or omission in the instrument, or upon some collateral objection.

§ 7. It is not essential that the thing forged should bear an exact or strong resemblance to the thing which it is intended to represent, provided it so far resemble that it might be mistaken for the thing represented, by one not intimately acquainted with the distinctive characteristics of such represented thing.

§ 8. The uttering of any forged writing or thing, is the passing, negotiating, assigning, disposing of, or putting it in circulation, or the offer or attempt to do the same; and if done by a person knowing it to be a forgery, with intent to prejudice the right of another, such person shall incur the like penalties as if he had forged such writing or thing.

1. The delivery of a forged writing or thing to another, with intent that it should be uttered by him, or by his procurement, is such "disposing," or "uttering" by the person delivering it.

2. It is not material to the uttering of a forgery that the forgery was made out of this state, or that the instrument was made by mistake.

3. The receiving, claiming, or demanding, or endeavoring to obtain money or other thing, by virtue of a forged instrument, is an uttering of such instrument.

§ 9. The canceling, destroying, or obliterating a writing, or any material part thereof, being the writing of the offender or that of another, with intent thereby to prejudice the right of another, and whereby such other might be so prejudiced, shall be punished in the same manner as forgery.

§ 10. The fraudulently filling up a signed blank, otherwise than the party filling up is authorized, or the fraudulently writing over or connecting with a writing, so as to be apparently connected with and authenticated or sanctioned by a signature, any thing other than what was authorized by the signer, with intent, in either case, to prejudice the right of another, and so that another might thereby be prejudiced, shall be punished in the same manner as forgery.

The knowingly and fraudulently uttering a writing so made, shall be punished in the same manner.

This section shall not prevent any writing from being a forgery which otherwise would be such, nor affect the civil liability of any person thereon.

§ 11. Any officer or magistrate who knowingly and corruptly falsely certifies over his signature, any testimony, declaration, statement, or af

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fidavit, as having been given or made before him, when none such was so given or made, shall incur the like penalties as are prescribed against forgery.

§ 12. Any officer authorized to take acknowledgment or proof of deeds or other writings, in order to entitle them to be recorded, or to be produced in evidence, who falsely and corruptly certifies that any such deed or other writing was acknowledged before, or proved before him, when in fact no such acknowledgment or proof was made, shall incur the like penalties as are prescribed against forgery.

And any officer authorized by law to certify any fact, whose certificate is legal proof thereof, to any purpose, who falsely and corruptly certifies such fact, knowing it not to be true, or not having reason for believing it to be true, shall also incur the penalties against forgery.

The knowingly and fraudulently uttering any such certificate as is mentioned in this or the last preceding section, shall also be punished in the same manner as forgery.

§ 13. Whoever shall engrave, make or mend, or begin to engrave, make or mend, or aid therein, or shall have in his possession or control, partly or wholly engraved or made, any plate, block, press, machine, implement or article, adapted and designed, and known by him to be intended for the making of forged bank bills or notes of any bank, within or without this state, or bills or notes purporting to be the bills or notes of a bank, in or out of this state, or adapted and designed to be used for forging any note, bond, bill of credit, certificate, or other evidence of debt of this state, or any other state, district, or territory, or of the United States, or purporting to be such, with intent to use the same, or cause or permit the same to be used in any such forgery, shall incur the like penalties as are prescribed against forgery.

§ 14. Whoever shall make, provide, or have in his possession or control, any paper, parchment or other fabric or material, adapted and intended to be used for forging any of the evidences of debt enumerated in the last section, and knowing the same to be intended so to be used, and with the intent so to use the same, or cause or permit the same to be used, shall incur the like penalties as are prescribed against forgery.

§ 15. Parties doing any of the acts enumerated, or possessing or controlling any of the machines, implements, fabrics, or materials mentioned in the two last preceding sections, shall, unless the contrary appear, be presumed to know that the same were designed to be used for the purpose of forgery; and it shall also, in like manner, be presumed that such parties intended so to use, cause or permit the same to be used.

§ 16. Whoever shall knowingly have in his possession or control, at one time, five or more forged evidences of debt or demands for money or property, shall be presumed to know that they are forged, and intends to utter them; and unless the contrary appear, he shall incur the penalties prescribed against forgery.

§ 17. The knowingly uttering of a bill or note, or the attempt to utter the same, or the having in possession or control five or more bills or notes, purporting to be bill, bills, note, or notes of a bank, not within this state, and having the usual semblance of bank notes when there is no such bank, or where the name or names signed to any bank note, purporting to be the bill, bills, note, or notes of a bank within or with-

out this state, is or are not the name or names of the cashier, president, or other person authorized to sign for such bank, shall be treated and punished in the same manner as if such bills or notes were forged.

§ 18. The forging of the seal of the commonwealth, or of the seal officially used by the register of the land office, or of any court or corporation within this state, or the stamp or impression of any such seal, and the knowingly having such forged seal in possession or control, with intent fraudulently to use the same, shall be punished by confinement in the penitentiary from five to fifteen years.

§ 19. All other forgery, and all offenses directed to be punished as forgery, shall be punished by confinement in the penitentiary from two to ten years.

ARTICLE XXI.

Homicide and other offenses against the person.

Murder, &c.

§ 1. Murder shall be punished by death.

§ 2. Manslaughter, or criminal voluntary homicide, other than murder, shall be punished by confinement in the penitentiary for not more than ten years, or by imprisonment for not more than three years, and fined, not exceeding ten thousand dollars.

Upon a second conviction, the offender shall be confined in the penitentiary from six to fourteen years.

§ 3. Culpable involuntary homicide, if done in perpetrating or the attempt to perpetrate any felony by violence, shall be punished by confinement in the penitentiary from three to ten years.

If done in perpetrating or attempting to perpetrate felony without violence, it shall be punished by like confinement for not more than seven years.

If done without attempt to commit felony, it shall be punished by like confinement, not exceeding three years, or by imprisonment not exceeding two years, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

§ 4. Under an indictment for murder, the accused may be convicted of any culpable homicide.

Attempts to kill, &c.

§ 5. Whoever shall administer to, or cause to be taken, by any other person, any poison or other destructive thing; or shall by any means, manifest a design to kill, cause bodily harm to any other person, with intent, in any such cases, to commit murder, shall be confined in the penitentiary for from five to fifteen years.

§ 6. Whoever shall by any means, manifesting a design to kill, other than the actually administering, or causing to be taken, poison or other destructive thing, attempt to commit murder, shall, although no bodily harm be caused, be confined in the penitentiary for not more than seven years, or imprisoned not more than three years, or suffer close imprisonment for not more than one year.

§ 7. Whoever shall set fire to, cast away, or in any wise destroy any vessel, boat or raft, with intent to murder any other person; or shall maliciously do any such act whereby the life of any other person is put in

great danger, shall be confined in the penitentiary for from five to fifteen years.

§ 8. Whoever shall, by any means not herein before in this article specified, maliciously put the life of any other person in danger, shall be imprisoned not more than three years, or fined not more than three thousand dollars, or both.

§ 9. Whoever shall negligently cause danger to the life of another, shall be imprisoned not more than six months, or fined not more than five hundred dollars, or both.

§ 10. Whoever shall maliciously cause to any other person any grievous bodily harm, shall be confined in the penitentiary for not more than six years, or imprisoned not more than three years.

And whoever willfully, maliciously, and by lying in wait, shall cut out or disable the tongue, put out an eye, slit the nose, ear or lip, or cut or bite off either, cut off or disable any limb or member of another, with intent and on purpose to maim or disfigure such other, or while fighting or otherwise, shall on purpose pull out or put out the eye of another, except in necessary self-defense, shall be confined in the penitentiary from two to ten years.

§ 11. Whoever maliciously, by any means, manifesting a design to cause grievous bodily harm, attempts to cause such harm to any other person, whether such harm be caused or not, shall be imprisoned not more than one year, or fined not more than one thousand dollars, or both so fined and imprisoned.

§ 12. Whoever shall maliciously set or place, or cause to be set or placed, any spring gun, man trap, or other engine calculated to destroy human life or cause grievous bodily harm, with intent that the same, or whereby the same may kill or cause grievous bodily harm, to any trespasser or other person coming in contact therewith, or shall knowingly and willfully permit any such trap, gun or engine which may have been set, fixed or left, in any place in his possession or occupation, to continue so set or fixed in such place, shall be imprisoned not exceeding six months, or fined not exceeding five hundred dollars, or both.

§ 13. The last section shall not make it illegal to set any gun, trap, or engine, or to keep it set during the night time in any dwelling or other building, or in any vessel where an entry can not be obtained but by force or violence.

§ 14. Any person who, with intent to procure the miscarriage of any woman, shall willfully administer to or cause to be taken by her, without her knowledge, any poison or other noxious thing, shall be confined in the penitentiary for not more than two years, or imprisoned not more than one year. If any person aids a woman in any way in producing a miscarriage, he shall be imprisoned for not more than one year, and fined not more than five hundred dollars, unless such aid be rendered in good faith, with the intention of saving the life of the woman.

§ 15. Where any white woman shall have been delivered of a child which, if born alive, would be a bastard, any person who, by any secret disposition of the dead body of the child, whether such child died before, at, or after its birth, shall endeavor to conceal the birth of such child, shall be imprisoned not more than one year, and fined not more than a thousand dollars.

Rape, &c.

§ 16. Whoever shall unlawfully and carnally know any white woman against her will, and by force, or whilst she is insensible, shall be guilty of rape, and shall be punished by confinement in the penitentiary from ten to twenty years.

§ 17. Whoever by pretending to be the husband of any married woman, or knowing that any married woman believes him to be her husband, shall deceitfully and carnally know her, shall be punished by not more than seven years confinement in the penitentiary.

§ 18. Whoever shall unlawfully and carnally know and abuse any white girl under the age of twelve years, shall be punished as for a rape.

§ 19. Whoever shall administer to or cause to be taken by any white woman, any drug or other thing, with intent to render her insensible, or to produce in her an unnatural sexual desire, or such stupor as to prevent or weaken resistance, in order that whilst in that state he or any other may unlawfully and carnally know her, shall be imprisoned not exceeding two years.

§ 20. If a man shall commit the crime of carnally knowing another man or any beast, he shall be confined in the penitentiary from three to ten years.

§ 21. Any, the least degree of penetration, although there be no emission, shall be sufficient to constitute carnal knowledge in the last named offense, in rape, or in carnal abuse of a child.

§ 22. Whoever shall assault any person with the intent to commit either of the three last named crimes, shall be imprisoned not exceeding three years, or confined in the penitentiary not more than two years.

§ 23. An infant under the age of fourteen years shall be deemed to be incapable, by reason of impotency, to commit by his person either of such three last named crimes, or an assault with intent to commit either of them.

Abduction, &c.

§ 24. Whoever shall take away, or detain against her will, any woman, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be imprisoned for not more than two years, or fined not more than five thousand dollars, or both; or confined in the penitentiary not more than three years.

§ 25. Whoever shall unlawfully take, whether with or without her consent, any unmarried girl, less than sixteen years of age, out of the possession and against the will of her father, mother, or other person having the lawful custody and charge of her, shall be imprisoned for not more than one year, or fined not more than two thousand dollars, or both.

§ 26. Whoever shall unlawfully lead, or take away, or decoy, or entice away, or detain any child, under the age of ten years, with the intent to deprive the parent or other person having the lawful care and charge of such child of the possession of such child, or with intent to steal any article upon or about the person of such child; or shall with any such intent receive or harbor such child, knowing it to have been so taken or carried away, or detained, shall be confined in the penitentiary for not more than three years, or imprisoned not more than one year.

But no person claiming in good faith to be the parent of such child, or to have right to its possession, shall incur such penalty.

§ 27. Whoever shall maliciously send as prisoner, or carry any free person out of this state, or any negro who is asserting his claim to freedom, by suit brought, shall be confined in the penitentiary not more than three, or imprisoned not more than one year.

And whoever shall, without leave of a circuit or county court, knowingly send or carry out of this state any slave who is entitled to freedom after the expiration of a time then to come, or upon the happening of some future event, shall be imprisoned from six to twelve months, and fined not more than five hundred dollars.

ARTICLE XXII.

Burglary and house-breaking.

§ 1. It is burglary where a person, during the night, unlawfully and secretly or by force, fraud, or threats, enters the dwelling-house of another; any one other than an accomplice being therein, or when so entering by day the party conceals himself therein until night, with the intent in either case to commit, or having so entered, in either case, commits a felony.

It is also burglary if an inmate of such house, during the night, enters with like intent, any apartment thereof, without right or authority to enter the same, or having so entered, does therein commit a felony, whether any one be in such apartment or not, if there be some one other than himself or an accomplice in the house.

And it is also burglary to discharge any fire-arms, or to discharge or cast any missile weapon into such house during the night, with the intent of doing grievous bodily harm to any person therein; or during the night to draw out thereof any thing of value with intent to steal the same, by introducing therein the head, hand, foot, or any instrument, some one other than an accomplice being therein at the time.

§ 2. The term "dwelling-house," as used in this and the next article, means the whole of any fixed and permanent building, the greater part whereof is used or intended to be used as a residence by day and by night, or that part of any fixed and permanent building which is ordinarily used by some one for the purpose of lodging or sleeping, with the assent of a person authorized to consent.

1. A "dwelling-house" extends to and comprehends all the apartments, buildings, or parts thereof not being part of another dwelling-house which have an immediate or inclosed and covered communication with each other, and although they be not under the same roof.

2. It also comprehends any such detached building within the curtilage of the main dwelling, ordinarily used for sleeping in, and in which some one is at the time of perpetrating, or the attempt to perpetrate burglary or arson.

3. It does not comprehend an apartment occupied by another than an occupant of the dwelling, though part of the same building, unless there be an open communication between it and the dwelling. If any person ordinarily sleeps in such separate apartment it is his dwelling.

§ 3. In an indictment for burglary, arson, or house-breaking, or the attempt to commit either, the house may be described by the name of the owner or occupant, or any one of several owners or occupants, or

by the name of any person therein at the time of committing or attempting to commit the offense of burglary or arson, or the name of the owner, occupant, or such person need not be stated, if the house be otherwise sufficiently described for identification.

§ 4. If an inmate, other than an accomplice, be induced by fear of the offenders to quit the house after the attempt, or just before the breaking, entering, burning, or exploding in this and the next article mentioned, the offense shall be deemed to be the same as if he had remained therein until the breaking, entering, burning, or exploding took place.

§ 5. Burglary shall be punished by confinement in the penitentiary from three to twelve years.

§ 6. House-breaking is where a person, with intent to commit a felony, unlawfully breaks and enters the dwelling-house of another, or any fixed and permanent building of another, used at the time for the deposit or safe-keeping of any movable property; or where having so entered without breaking, the party, with like intent, breaks therein any door, wall, lid, lock, bolt, or other fastening.

It shall be punished by confinement in the penitentiary for not more than five years.

If done upon a dwelling-house, any person other than an accomplice being therein, it shall be punished by like confinement for from two to eight years.

If accompanied by any felony committed in the dwelling or building, it shall be punished by like confinement for from two to ten years.

1. Pushing open a door or window without injury to either, or the lifting a latch or turning the handle of a door will not constitute a breaking, but there must be an actual breaking of the wall, door, shutter, or other outer defense or barrier against entry, or of a lock, bolt, or other fastening, or a picking of a lock, or opening it with a false key, or opening it from without by means of the key left in the lock on the inside.

2. It is a breaking where entrance is obtained by the connivance or aid of a servant or other inmate not authorized to give admission.

Or, by means of violence, threats, or intimidation used towards any person;

Or, by means of any fraud or trick;

Or, by pushing open an unfastened door or window of an upper story, not within reach of a man's hand from the ground, if there be no outer stairway or steps leading thereto.

3. The breaking may be at a different time from the entry.

§ 7. Whoever shall burglariously enter any dwelling-house, or being therein shall burglariously enter any inner part thereof, and shall assault a person being therein with intent to commit murder or rape or shall cause any bodily harm to any such person, shall be confined in the penitentiary for from five to fifteen years.

ARTICLE XXIII.

Arson, house-burning, &c.

§ 1. Arson is where a person willfully and maliciously sets fire to the dwelling-house of another, any one being therein, with the intent to destroy the same, or with like intent by the explosion of gun-powder or

other explosive substance, destroys, throws down, or damages the whole or any part of such house.

§ 2. Arson shall be punished by confinement in the penitentiary for from five to fifteen years.

§ 3. Whoever shall maliciously attempt to commit arson or burglary, shall be confined in the penitentiary not more than five years, or imprisoned not more than two years, or close imprisoned not more than six months; and a conviction may be had for either, respectively, under a charge of having committed the principal offense.

§ 4. Whoever shall willfully and maliciously set fire to, with intent to destroy, the state capitol, penitentiary, arsenal, land office, auditor's office, any court house, jail, clerk's office, church, cathedral, college, seminary, or the banking house of any incorporated bank, shall be deemed guilty of arson.

§ 5. Whoever maliciously sets fire to any house, building, structure, boat, or vessel of another, of the value, with its contents, of one hundred dollars, with intent to destroy the same, is guilty of arson in the second degree, and shall be confined in the penitentiary from two to seven years.

§ 6. Whoever shall willfully and maliciously set fire to a house, building, structure, boat, or vessel, of which he is the sole or part owner, with intent thereby to injure or defraud another, shall be confined in the penitentiary not more than four years, or imprisoned not more than one year; and if thereby either of the things named in the last section, the property of another, be burnt in whole or in part, he shall incur the penalty of that section.

§ 7. Whoever shall maliciously set fire to, with intent to destroy the property of another, any house, building, structure, boat, or vessel, not embraced by the previous sections of this chapter, or any pile or parcel of wood, timber, lumber, or coal, or raft, or any mine of coal, or cannel coal, or any fence, or any stack or parcel of hay, grain, grass, hemp, flax, or fodder, or any crop of grain, hay, or grass, whether standing or down, or to any woods, shall be confined in the penitentiary not exceeding five years or imprisoned not more than two years.

§ 8. If any convict in the penitentiary shall maliciously set fire thereto with intent to destroy the same, he shall suffer death.

ARTICLE XXIV.

Larceny and Robbery.

§ 1. Any part of real estate that can be detached or removed, is the subject of larceny, although not severed before the taking; so also is any domestic animal, though it be unmarked or astray, and any domesticated animal of the wild species, distinguishable as being so domesticated.

So also are animals of the wild species not usually domesticated, when so under the control of the owner that they may be taken at will, and are known to the taker to be, or distinguishable by him as being so under control.

The young, the products and the carcasses, and all parts of the carcasses of animals, wild or tame, are subjects of larceny in like manner, and under like circumstances, as the animals themselves.

§ 2. Every attempt to commit theft shall be punished as larceny, if accompanied by overt acts sufficiently indicative of the intention.

As putting the hand into or slitting a pocket, partly lifting or removing a piece of goods, picking or trying to pick or force a lock, trying to sever a thing attached to real estate, &c.

§ 3. Where the thing is obtained by casualty or finding, its fraudulent conversion by the person so obtaining possession, for his own benefit, shall be deemed to be larceny if he knew, had reason to believe, or had obvious means of ascertaining, who was the owner.

As where one by mistake takes a letter at the post office addressed to another, supposing it to be addressed to himself, containing money, which he converts to his own use.

Or, where a shop-keeper sells an article accidentally left in his shop, with intent to despoil the owner.

§ 4. The ownership of the thing stolen may be charged in the indictment to be in any one of several joint owners, in the bailor or bailee, lessor or lessee, or designated by the possession of any person, or as the property of a person unknown; or if the thing stolen be otherwise sufficiently identified, no particular ownership need be charged.

§ 4. Larceny of a thing of less value than five dollars, shall be punished by not exceeding thirty-nine stripes on the bare back, or imprisonment for not more than three months, or both.

§ 6. Larceny committed by a woman of a thing of less value than five dollars, shall be punished by ten dollars fine, and imprisonment for not more than thirty days.

§ 7. Larceny of a thing of the value of five dollars or upwards, shall be punished by confinement in the penitentiary for not more than six years; and larceny of a horse or mule by like confinement for from four to eight years.

§ 8. Robbery shall be punished by confinement in the penitentiary from three to ten years.

§ 9. Robbery is the stealing of a thing from the person of another, or from his custody in his presence, by violence or the threat of immediate violence, to his person, or that of some relative, friend, or servant, then present.

§ 10. An assault with intent to rob, shall be punished by confinement in the penitentiary for not more than three years, or imprisonment for not more than one year, or by the penalty for larceny under five dollars.

§ 11. An attempt to commit larceny by means of intimidation, shall incur the same penalties as an assault with intent to rob.

§ 12. An assault with intent to rob, the offender being armed with any dangerous weapon or instrument, or accompanied by two or more aiders, shall be punished by confinement in the penitentiary from two to six years.

§ 13. Under an indictment for robbery, a conviction may be had for larceny, or any kind of assault with intent to rob; and under an indictment for larceny, a conviction may be had for embezzlement, obtaining property by false pretense, or receiving stolen property, or an attempt to steal.

§ 14. Any writing or material part thereof stolen, shall be deemed to be of the value of five dollars, unless the contrary appear or be proved.

ARTICLE XXV.

Embezzlement and obtaining by false pretense.

§ 1. It shall not avail by way of defense to a charge of embezzlement, that the act done amounts to larceny.

§ 2. Embezzlement shall be punished in the same manner, in all respects, as larceny, or by imprisonment for not more than two years, or close imprisonment for not more than six months.

§ 3. Embezzlement by a person under sixteen years of age, or larceny by a clerk, apprentice, or servant under that age, from the master, shall not be punished otherwise than by imprisonment, and for not more than six months.

§ 4. The obtaining property by false pretense shall be punished in the same manner, in all respects, as larceny.

ARTICLE XXVI.

Receiving property stolen, embezzled, &c.

§ 1. Whoever shall willfully and knowingly have in his possession or custody any stolen or embezzled thing, or thing obtained on false pretense, or any part of such thing, shall be deemed a receiver of stolen property, and be punished in the same manner, in all respects, as if he had stolen the same.

§ 2. It shall be no defense to a charge under the last section, that the person charged stole, embezzled, or obtained the thing by false pretense.

ARTICLE XXVII.

Cheating and other frauds.

§ 1. Whoever, by means of any false seal, signature, stamp, impression, or mark deceptively used in order to obtain undue credit, as a certificate, warrant, or test of the truth of the contents of any writing, or of the genuineness, quality or quantity of any thing, or by means of any false weight, measure, or instrument, or thing deceptively used, or by means of any false personation, shall, in any sale, contract, or other dealing or transaction, defraud or endeavor to defraud another, shall be deemed guilty of cheating, and imprisoned not more than one year or fined not more than a thousand dollars.

§ 2. Whoever shall, by any unlawful violence to, or restraint of, or threat of violence to, or restraint of, the person of another, or by accusing or threatening to accuse any person of a felony, compel or induce any person to execute, make, alter or destroy, the whole or material part of any written evidence of right or demand, or against liability, with intent to defraud or injure any person, shall be confined in the penitentiary not more than three years, or imprisoned not more than one year, or fined not more than a thousand dollars, or both so fined and imprisoned.

§ 3. Whoever shall publish, or threaten to publish, any libel upon another, or shall threaten to print or publish, or propose to abstain from printing or publishing any matter or thing touching any other person, with intent to extort any thing of value from any person, shall be imprisoned not more than three months, or fined not more than two hundred dollars, or both.

§ 4. Whoever shall falsely and fraudulently represent or personate another, and in such assumed character shall,

1. Marry another ; or,
2. Become bail or surety for a person in any proceeding, civil or criminal, before any court or officer authorized to take such bail or surety ; or,
3. Confess any judgment or decree ; or
4. Acknowledge any recognizance or the execution of any deed or other writing, for the purpose of having the same recorded ; or,
5. Do any other act in the course of any suit, judicial proceeding, or prosecution, whereby any right of the person so represented or personated, or any other, is or might be prejudiced,

Shall be confined in the penitentiary for not more than five years.

§ 5. No prosecution shall be maintained for the offense named in the first subsection of the preceding section, unless commenced within two years from the commission of the offense, and at the instance of the injured party.

§ 6. No action popular, or prosecution for any offense, shall be barred by a former recovery or acquittal obtained by covin.

§ 7. Whoever shall fraudulently produce an infant, falsely pretending it to have been born of other than its real parents, with the intent to procure for such infant any estate, real or personal, or to prevent its accrual to another by right of descent, distribution, or devise, shall be confined in the penitentiary for not more than five years.

§ 8. Any one to whom an infant under the age of six years shall be confided for nursing or other purpose, who shall, with the fraudulent intent to deceive its parent, guardian, or other near relative, substitute and produce to the parent, guardian, or relative, another in the place of the infant so confided, shall be confined in the penitentiary for not more than five years.

ARTICLE XXVIII.

Malicious injuries to property.

§ 1. Whoever shall maliciously cast away or destroy any boat or vessel, of the value, with its contents, of two hundred dollars, with intent to injure thereby any owner or part owner thereof, or of any goods on board the same, or any insurer of such boat, vessel or goods, shall be confined in the penitentiary not more than six years, or imprisoned not more than two years.

§ 2. Whoever shall damage any such boat or vessel of another, otherwise than by fire, with intent to destroy the same, or to render the same useless, shall be confined in the penitentiary not more than four years, or imprisoned not more than one year.

§ 3. Whoever shall maliciously place or throw in, into or upon, against or near, any building or vessel, any gunpowder or other explosive substance, with intent to destroy or damage such building or vessel, or any machinery, fixtures, or chattel personal, shall, whether or not any explosion take place, or whether any damage or not is effected thereby, be confined in the penitentiary not more than three years, or imprisoned not more than one year.

§ 4. Whoever shall maliciously pull down, or in any way destroy any public bridge, or do any injury thereto, with intent and so as thereby to render such bridge or any part thereof impassable or dangerous :

Or, maliciously break down or destroy the dam of any mill-pond :

Or, maliciously poison or otherwise kill any cattle, or harm any cattle, so as to render the same useless to the owner:

Or, maliciously stop the passage of salt water conducted through pipes, from any spring or well to the cistern or furnace where salt is made, or break or destroy any such pipe, or fill up or otherwise destroy any such well:

Or, maliciously pull down, destroy, or materially injure the building of another, of the value or to the amount of one hundred dollars, whether private or public:

Or, maliciously cut down, destroy, break in pieces, remove, conceal, efface, or obliterate any corner tree, stone, monument, or other durable object, used and serving for a land-mark, or evidence of boundary or division of land:

Or, maliciously make any pitfall, hole, or obstruction in any highway, so as to render it dangerous to travelers or persons passing over the same:

Every such person shall be confined in the penitentiary not more than five years, or imprisoned not more than two years, or fined not more than a thousand dollars, or both so fined and imprisoned.

§ 5. Whoever shall willfully and maliciously destroy or materially injure any property of another, real or personal, or the written evidence of any right or claim, or against liability belonging to another, not in this or some other chapter otherwise provided for, shall be imprisoned not more than six months or fined not more than a thousand dollars, or both.

§ 6. An act done in the fair exercise, assertion, or maintenance or vindication in good faith, of a supposed legal right, where there is real or apparent ground for supposing such right to exist, and the same is not used as a mere cloak, pretence, or occasion for a malicious injury, is not punishable as a malicious injury.

§ 7. A mischief or injury that is trivial in its consequences, without appreciable damage or inconvenience to another, and not accompanied with an insulting outrage of private right, is not punishable within the provisions of this chapter.

§ 8. Whoever shall willfully and fraudulently alter or deface any of the marks or brands of any cattle, shall be imprisoned not more than six months, and fined not more than two hundred dollars.

§ 9. Whoever shall kill, take, destroy, or sicken, or attempt to kill, take, destroy, or sicken any fish in any river or creek, or in the pond of another, by throwing or placing therein any drug, berry, preparation, or other thing, of a sickening or destroying quality, shall be fined ten dollars.

§ 10. Whoever shall haul a seine or stretch a set net, for the purpose of catching fish in the Kentucky or Green river, below either of the locks therein, and within seven miles of the lock, shall be fined twenty dollars.

§ 11. Whoever, without permission of the owner, hunts on the land of another, shall be fined three dollars.

§ 12. The commander of a steamboat, who shall take wood from a woodyard without the consent of the owner, and without making com-

pensation therefor, and with intent fraudulently to deprive the owner thereof, shall be fined one hundred dollars.

§ 13. Whoever shall unlawfully cut down any tree or trees, or quarry rock on the land of another, shall be fined not more than one hundred dollars, or imprisoned not more than thirty days, or both.

§ 14. The commander of a steamboat or other vessel who shall put ashore from on board such boat or vessel any dead human body without burying it four feet under ground, shall be fined one hundred dollars; and the boat or vessel shall also be liable therefor at the suit of any informer.

Mr. Hardin moved to lay the amendment proposed by Mr. Lindsey on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Smith, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Preston H. Leslie,	John Shawhan,
William J. Berry,	John G. McFarland,	Thomas J. Smith,
Eli Bozarth,	Martin D. McHenry,	Samuel A. Spencer,
William Bradley,	Reuben Munday,	Shelby Stone,
John A. Goodson,	Thompson S. Parks,	John D. Taylor,
Walker W. Haley,	William Preston,	John J. Thomasson,
Ben. Hardin,	James F. Robinson,	John C. Walker—22.
James W. Irwin,		

Those who voted in the negative, were

Henry G. Bibb,	Joseph S. Conn,	Thomas N. Lindsey—5.
Thomas J. Blincoe,	Richard D. Gholson,	

Mr. McHenry at half past one o'clock moved that the Senate take a recess until three o'clock.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Spencer, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Walker W. Haley,	William Preston,
William J. Berry,	James W. Irwin,	James F. Robinson,
Henry G. Bibb,	Thomas N. Lindsey,	John Shawhan,
Thomas J. Blincoe,	John G. McFarland,	Samuel A. Spencer,
Eli Bozarth,	Martin D. McHenry,	John D. Taylor,
William Bradley,	Thompson S. Parks,	John C. Walker—18.

Those who voted in the negative, were

Joseph S. Conn,	Preston H. Leslie,	Shelby Stone,
Richard D. Gholson,	Reuben Munday,	John J. Thomasson—7.
John A. Goodson,		

The Senate, at three o'clock, resumed the consideration of the bill to revise the Statute Laws of this State.

The 13th section of the 1st article of the 84th chapter of said bill reads as follows, viz :

"Prosecutions for felony may be continued, at the discretion of the court, as often as good grounds for such continuance shall be made out. No number of such continuances shall operate a discharge of the prisoner."

Mr. Taylor moved the following amendment as a substitute for said section, viz :

"Prosecutions for felony may be continued at the discretion of the court, as often as good grounds for such continuance shall be made out. If the commonwealth be not ready for trial on the third term next after indictment found, the prisoner shall be discharged from the pending prosecution, unless the judge be satisfied that the accused is instrumental in obtaining the absence of witnesses, in behalf of the commonwealth.

And the question being taken on the adoption of the amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Gholson and Taylor, were as follows, viz :

Those who voted in the affirmative, were

Joseph S. Conn,	John G. McFarland,	Thomas J. Smith,
Ben. Hardin,	Thompson S. Parks,	Shelby Stone,
Preston H. Leslie,	Jefferson Percifull,	John D. Taylor—10.
Thomas N. Lindsey,		

Those who voted in the negative, were

Sidney M. Barnes,	Ira Ellis,	Martin D. McHenry,
William J. Berry,	Richard D. Gholson,	Reuben Munday,
Henry G. Bibb,	John A. Goodson,	John Shawhan,
Thomas J. Blincoc,	William A. Hooe,	Samuel A. Spencer,
Eli Bozarth,	James W. Irwin,	John C. Walker—16.
William Bradley,		

The 6th section of the 11th article of the 84th chapter of said bill reads as follows, viz :

"§ 6. If the money, goods, and chattels stolen, as described in the preceding section, be under the value of four dollars, the offender, if a male, shall be punished by any number of stripes not exceeding thirty-nine, on his bare back ; if a female, she shall be imprisoned not exceeding ten days. A male convicted of larceny under this section shall pay the costs of prosecution, and shall be committed to jail until they are paid. After he has remained in jail ten days, and the judge is satisfied that the costs cannot be coerced, the convict shall be discharged."

Mr. Taylor moved to amend said section, by exempting the offender from the lash, and substituting therefor, confinement in the jail of the

county in which the offense may be committed for a term of not less than thirty nor more than ninety days.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McHenry and Taylor, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Thompson S. Parks,	John Shawhan,
James W. Irwin,	Jefferson Percifull,	Thomas J. Smith,
Preston H. Leslie,	William Preston,	John D. Taylor—9.

Those who voted in the negative, were

William J. Berry,	Richard D. Gholson,	Martin D. McHenry,
Henry G. Bibb,	John A. Goodson,	Reuben Munday,
Thomas J. Blincoe,	Ben. Hardin,	Samuel A. Spencer,
Eli Bozarth,	William A. Hooe,	Shelby Stone,
William Bradley,	Thomas N. Lindsey,	John J. Thomasson,
Joseph S. Conn,	John G. McFarland,	John C. Walker—19.
Ira Ellis,		

Mr. Irwin moved a reconsideration of the vote by which the Senate, on the 23d inst., refused to adopt the 39th chapter, and it was decided in the affirmative.

The 3d section of the 1st article of the 39th chapter of said bill reads as follows, viz :

“§ 3. The auditor shall receive an annual salary of \$2,000, payable quarterly at the treasury, upon the requisition of the governor. He shall have power to appoint one assistant, whose salary shall be \$1,000; a chief clerk, with an annual salary of \$700, payable in like manner; two assistant clerks, with an annual salary of \$525 each: and one assistant clerk at a salary of \$500, payable quarterly at the treasury; also, one porter for the offices of auditor and treasurer, whose compensation shall be \$100 per annum, payable quarterly at the treasury.”

Mr. Irwin moved to amend said section as follows, viz :

After the word “be” in the 3d line, strike out the remainder of the section and insert “nine hundred dollars per annum, and the further sum of nineteen hundred dollars per annum is hereby appropriated to enable the auditor to appoint and pay such clerks as he may deem necessary for the discharge of the business of his office; also, one hundred dollars per annum, as compensation for a porter to the treasurer and auditor, which several sums, the auditor is authorized to draw quarterly from the treasury.”

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Irwin, were as follows, viz :

Those who voted in the affirmative, were

idney M. Barnes,	James W. Irwin,	John Shawhan,
William J. Berry,	Preston H. Leslie,	Thomas J. Smith,

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Henry G. Bibb,
Thomas J. Blincoe,
Joseph S. Conn,
Ira Ellis,
John A. Goodson,
Ben. Hardin,

Thomas N. Lindsey,
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Martin D. McHenry,
Reuben Munday,
William Preston,

Samuel A. Spencer,
Shelby Stone,
John D. Taylor,
John J. Thomasson,
John C. Walker—22.

Those who voted in the negative, were

Eli Bozarth,
William Bradley,

Richard D. Gholson,
William A. Hooe,

Thompson S. Parks—5.

Said bill was further amended.

And then the Senate adjourned.

MONDAY, DECEMBER 29, 1851.

A message was received from the House of Representatives, announcing that they recede from the 5th amendment, proposed by that House, to a bill from the Senate, entitled, an act to amend the charter of the Shelby Railroad Company.

That they had passed bills from the Senate of the following titles, viz:

An act authorizing the County Court of Russell county to levy an additional tax in said county.

An act to authorize the County Court of Simpson to take and hold stock in a railroad or railroads.

With amendments to the last named bill.

That they had passed bills of the following titles, viz:

An act for the benefit of James E. Gardner, of Butler county.

An act for the benefit of the Sheriff of Caldwell county.

An act to change the time of holding the quarterly terms of the County Judges of Daviess county.

An act for the benefit of the clerks of the Daviess County and Circuit Courts.

An act to incorporate the town of Calhoun, in Daviess county.

An act to change the mode of working roads in Daviess county.

An act to incorporate Crittenden Division, No. 17, Sons of Temperance.

An act to incorporate Union Division, No. 42, Sons of Temperance.

An act for the benefit of the Sheriff of Grant county.

An act for the benefit of James McNeil, former Sheriff of Laurel county.

An act to change certain districts and precincts in Lawrence county.

An act regulating the fees and duties of the sealer of weights and measures in the county of Jefferson.

An act to establish the offices of Police Judge and Town Marshal in the town of Milburn, in Ballard county.

An act to authorize the County Court of McCracken to levy an *ad valorem* tax to build a court house and jail.

An act to amend an act, entitled, an act giving the officers and crews, and mechanics and others, a lien on steamboats.

An act to provide for the erection of a suitable monument over the grave of Col. Thomas Dollerhide.

An act for the benefit of the Sheriffs of Todd, Pulaski, and Green counties.

That they had received official information from the Governor, that he had approved and signed enrolled bills which originated in the House of Representatives, of the following titles, viz :

An act to incorporate the Mountsterling, Kiddville, Red River Iron Works, and Irvine Turnpike Road Company.

An act permitting the sale of real estate at the door of the City Hall, in the city of Covington.

An act authorizing the County Court of Wayne to sell the old jail and stray pen lots in Monticello.

An act for the benefit of the Sheriff of Jessamine county.

An act to amend the charter of the town of Clayvillage, in Shelby county.

An act authorizing the presiding judge of Kenton county to hold quarterly terms in Covington.

An act changing the lines of districts in Lewis and Madison counties.

An act to change the line between the Tollsburg precinct and James McCormick's precinct, in Lewis county.

An act to authorize Justices of the Peace to hold inquests in certain cases.

An act to incorporate the town of Marion, in Crittenden county.

An act to prohibit certain officers from trafficking in claims on County Treasuries.

An act extending the mechanics' lien law to certain counties.

An act to take the sense of the people of Owsley county, for the purpose of changing the county seat of said county.

An act authorizing the Clarke County Court to subscribe stock in works of Internal Improvement in said county.

An act for the benefit of Samuel Spencer.

Approved December 20, 1851.

The following petitions were presented, viz:

By Mr. Thomasson—1. The petition of sundry citizens of the county of Trimble, in relation to the traffic in ardent spirits.

By Mr. Bradley—2. The petition of sundry citizens of Union county, praying the passage of a law authorizing W. W. Whitworth to keep a coffee house in Uniontown, in said county.

Which petitions were received, the reading dispensed with, and referred—the 1st to the committee on the Judiciary; and the 2nd to the committee on Propositions and Grievances.

Mr. Irwin, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act authorizing the trustees of Russellville to tax nine and ten pins.

An act to incorporate the Turkey Foot Turnpike Road Company.

An act to charter the Knob Lick Turnpike Road Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin, from the same committee, reported the following bills, viz:

A bill to amend the charter of the Covington and Lexington Railroad Company.

A bill to amend an act, entitled, an act to incorporate the Georgetown and Louisville Branch Railroad.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Berry, from the same committee, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate the Napoleon and Big Bone Lick Turnpike Road Company.

An act to amend the charter of the Perryville and Springfield Turnpike Road Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Lindsey, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Kentucky river Navigation Company, reported the same without amendment.

Ordered, That said bill be made the special order of the day for the 31st inst., at 11 o'clock.

Mr. Bradley, from the committee on Propositions and Grievances, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act better to define the boundary lines of Todd county.

An act changing the line between Shelby and Oldham counties.

An act for the benefit of Samuel T. Ray.

An act to establish the county of Powell.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Goodson, from the committee on Privileges and Elections, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to change the voting place in district No. 4, in Henderson county.

An act to change the line between districts Nos. 1 and 2, in Lincoln county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Goodson, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Crab Orchard and Mt. Vernon Turnpike Road Company, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message in writing was received from the Governor, by Mr. Metcalfe, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up and read as follows, viz :

EXECUTIVE DEPARTMENT,
December 29th, 1851. }

Gentlemen of the Senate :

I nominate for your advice and consent, Virgil McKnight and James Guthrie to be directors, on the part of the state, of the Bank of Kentucky, from and after the first day of May, 1852.

Christopher C. Rogers and Thomas G. Randall to be directors, on the part of the state, of the Northern Bank of Kentucky, from and after the first day of May, 1852.

Philip Swigert to be a director, on the part of the state, of the Lexington and Frankfort railroad, in the place of Benjamin Gratz, resigned.

Elisha S. Brown, to be Notary Public for the county of Hardin.

William P. Ingram, Notary Public for Pulaski county.

Thomas J. Smith, Notary Public for Warren county.

Ira Ellis, Notary Public for Trigg county.

Henry Garner, Notary Public for Ballard county.

William Cook, Notary Public for Hickman county.

Daniel S. Lane, Notary Public for Trimble county.

Ben. Johnson, Notary Public for Daviess county.

Elias F. Davis and William F. Coale, Notaries Public for Meade county.
L. W. POWELL.

Resolved, That the Senate advise and consent to said appointments.

Mr. Irwin, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to charter the Louisville and Nashville railroad, and the act amending the same, approved March 20, 1851.

Ordered, That said bill be placed in the orders of the day, and that the Public Printer, print 150 copies thereof for the use of the members of the General Assembly.

Mr. Hardin, from the committee on Finance, asked to be discharged from the further consideration of the petition of a portion of the citizens of Carroll county, in relation to the Ghent and Eagle Creek Turnpike Road.

Mr. Hardin, from the same committee, to whom was referred the petition of sundry citizens of Shelby county, in relation to obtaining means to aid in colonization purposes, reported the same with the following resolution.

Resolved, That said petition be rejected,

Which was concurred in.

The Senate, according to order, took up for consideration a bill to incorporate the Commercial Bank of Paducah.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question being taken on the passage of said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and Berry, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	John A. Goodson,	Jefferson Percifull,
Henry G. Bibb,	Ben. Hardin,	William Preston,
Thomas J. Blincoe,	William A. Hoöe,	Samuel A. Spencer,
Wallace W. Brown,	Preston H. Leslie,	Shelby Stone,
Radford M. Cobb,	Thomas N. Lindsey,	John D. Taylor,
Joseph S. Conn,	Martin D. McHenry,	John J. Thomasson,
John L. Elliott,	Reuben Munday,	John C. Walker—22.
Ira Ellis,		

Those who voted in the negative, were

William J. Berry,	Lewis L. Mason,	James F. Robinson,
Eli Bozarth,	John G. McFarland,	John Shawhan,
John Cunningham,	Thompson S. Parks,	Thomas J. Smith—10.
James W. Irwin,		

Resolved, That the title of said bill be as aforesaid.

On motion of Mr. Lindsey,

Ordered, That the committee on Propositions and Grievances, be instructed to report on to-morrow, the bill requiring railroad companies and owners of land adjacent thereto, to inclose their roads and lands.

On motion of same,

Ordered, That the bill authorizing the Governor to appoint commissioners to examine the Banking Institutions of this state, and for other purposes, be made the special order of the day for to-morrow at ten o'clock.

Leave was given to bring in the following bills, viz;

On motion of Mr. Goodson—1. A bill to amend the charter of the Kentucky Trust Company Bank.

On motion of Mr. Percifull—2. A bill allowing Julius Hacker, sheriff of Owsley county, further time to return his delinquent list.

On motion of same—3. A bill to repeal all laws authorizing the County Court of Perry to remove the mill dam of James Johnston on the middle fork of the Kentucky river.

Ordered, That the committee on Banks prepare and bring in the 1st; the committee on Finance, the 2nd; and the committee on Internal Improvement, the 3d.

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act to authorize the County Court of Simpson to take and hold stock in a railroad or railroads, were taken up, twice read, and concurred in.

Bills from the House of Representatives of the following titles, were read the first time, viz:

An act for the benefit of James E. Gardner, of Butler county.

An act for the benefit of the Sheriff of Caldwell county.

An act to change the time of holding the quarterly courts of the County Judge of Daviess county.

An act for the benefit of the clerks of the Daviess County and Circuit Courts.

An act to incorporate the town of Calhoun, in Daviess county.

An act to change the mode of working roads in Daviess county.

An act to incorporate Crittenden Division, No. 17, Sons of Temperance.

An act to incorporate Union Division, No. 42, Sons of Temperance.

An act for the benefit of the Sheriff of Grant county.

An act for the benefit of James McNeil, former surveyor of Laurel county.

An act to change certain districts and precincts in Lawrence county.

An act regulating the fees and duties of the sealer of weights and measures in the county of Jefferson.

An act to establish the offices of Police Judge and Town Marshal in the town of Milburn, in Ballard county.

An act to authorize the County Court of McCracken to levy an *ad valorem* tax to build a court house and jail.

An act to amend an act, entitled, an act giving to officers and crews, and mechanics and others, a lien on steamboats.

An act to provide for the erection of a suitable monument over the grave of Col. Thomas Dollerhide.

An act for the benefit of the Sheriffs of Todd, Pulaski, and Green counties.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the committee on Religion; the 2nd, 4th, 9th, 10th, 14th, 16th, and 17th, to the committee on Finance; the 3d to the committee on County Courts; the 5th, 7th, 8th, 12th, 13th, and 15th, to the committee on the Judiciary; and the 6th and 11th to the committee on Propositions and Grievances.

The Senate resumed the consideration of the bill to revise the Statute Laws of this State.

Said bill was further amended.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, at twenty minutes before 2 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Bradley, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	John A. Goodson,	William Preston,
Henry G. Bibb,	Walker W. Haley,	James F. Robinson,
Thomas J. Blincoc,	Ben. Hardin,	John Shawhan,
Abram I. Caldwell,	James W. Irwin,	Samuel A. Spencer,
Radford M. Cobb,	Preston H. Leslie,	Shelby Stone,
Joseph S. Conn,	Martin D. McHenry,	John D. Taylor,
John L. Elliott,	Jefferson Percifull,	John C. Walker—21.

Those who voted in the negative, were

Eli Bozarth,	Richard D. Gholson,	Reuben Munday,
William Bradley,	William A. Hooe,	Thompson S. Parks,
Wallace W. Brown,	Thomas N. Lindsey,	John J. Thomasson—11.
John Cunningham,	Lewis L. Mason,	

And then the Senate adjourned.

TUESDAY, DECEMBER 30, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles viz :

An act for the benefit of Common School district No. 34, at Petersburg, Boone county.

An act to amend an act, entitled, an act to provide for the sale of island No. 4, in the Mississippi river, approved Feb. 29, 1848.

An act for the benefit of Samuel Woodson, late clerk of the Hopkins Circuit Court.

An act further to regulate the town of Mount Gilead in Pulaski county.

An act to enlarge Magistrates' and Constable's district No. 2, in Hopkins county.

An act to change the boundaries of certain election precincts in Trigg county, and for other purposes.

An act for the benefit of George S. Gravit, late sheriff of Grant county.

An act to incorporate the Franklin Female Institute.

An act establishing additional voting places in Kenton and Campbell counties.

An act to incorporate Mills' Point Lodge No. 120, of Free and Accepted Masons.

An act to create an additional Constable's and Justices' district in Hickman county.

An act for the benefit of Monroe county.

An act to authorize the county of Graves to hold railroad stock.

An act to add the residence of George Spigall, in Pendleton county, to the county of Kenton.

An act to authorize the Russell County Court to sell clerk's office furniture.

An act to establish an election precinct at Keysburg, in Logan county.

An act for the benefit of the Covington and Lexington Railroad Company.

An act to incorporate the Owingsville and Mt. Sterling Turnpike Road Company.

An act to incorporate the Owingsville and Poplar Plains Turnpike Road Company.

An act to incorporate Pleasant Grove Division No. 253, in Trimble county.

An act to establish an additional Justices' district and election precinct in Nicholas county.

An act to change lines of the Justices' and Constables' districts Nos. 1 and 3, in Green county.

An act to establish the town of Stylesville, in Pulaski county.

An act for the benefit of Samuel P. Lasley, and Mary his wife.

An act to incorporate the Maysville Literary Institute.

An act to change the time of holding the Justices' courts in Bracken county.

An act to divide Hopkins county into seven Magistrates' and Constables' districts and election precincts.

That they had passed bills and adopted resolutions, of the following titles, viz:

An act to amend the charter of the Kentucky Trust Company Bank.

An act to amend the charter of the Louisville and Elizabethtown Railroad Company.

An act to authorize the clerks of the Nelson and Washington County Courts to cross index certain records.

An act to authorize appeals from County Court Judges.

An act to amend the charter of the Kentucky Female Orphan School.

An act to amend an act incorporating the Bardstown Female Academy.

An act to incorporate the Coal Haven Coal Mining Company, of Daviess county.

An act to incorporate the Coal Haven Manufacturing Company.

Resolution relative to the inspection of pork, flour, and tobacco in New Orleans.

Resolution for a final adjournment of the General Assembly.

Mr. Hooe presented the joint report of the committee to visit the Deaf and Dumb Asylum, at Danville.

Said report was read as follows, viz :

The joint committee instructed by resolution of this General Assembly to visit and inquire into the condition and prosperity of the Deaf and Dumb Asylum at Danville, have performed that duty, and report :

Your committee proceeded, in person, to examine said Institution as to the comfort and accommodations it afforded the mutes, as also, to inquire into their general treatment, moral culture, practical knowledge, and literary improvement—in all of which your committee are pleased to say their most sanguine hopes were fully realized.

Your committee regard the institution for the education of the deaf and dumb as one of the most humane and useful of the great benevolent institutions of the commonwealth, while it is unquestionably the least expensive—having been conducted with great economy and prudence for a period of twenty-eight years, scarcely in that whole period asking a special appropriation of money, and steadily conferring the most practical benefits on that afflicted class of our citizens. That these indispensable advantages should be more generally extended to a larger proportion of that unfortunate class found to exist amongst us, is so palpably demanded by the wants of two hundred and eighty-four deaf mutes, out of three hundred and fifty-four reported in the state by the assessors of tax, that your committee, believing it the imperious duty of the legislature, do not hesitate to recommend an appropriation of money sufficient to enable the trustees to build a wing to the male department, in the one story of which two additional class rooms might be furnished, and in the other a more suitable chapel, or room of sufficient size to assemble all the inmates at the same time for moral and religious instruction.

Improvements in the buildings to this extent at least, is regarded indispensably necessary, for the reasons that they have now no room of sufficient size to assemble all the mutes and seat them so as to command a

view of the black-board on which instructions must be given; they have but *two* class rooms for the recitations and instruction of *four* classes, (which requires either that two teachers be engaged with a class each in the same room, or that one class must sit and wait till the other has finished its recitation, either of which alternatives is embarrassing, on account of the diversion of attention and confusions consequent upon this proximity;) and for the no less important reason that not one fifth of all the mutes in the commonwealth either are, or ever have yet been in this, or probably in any other institution for their education. Let it not be said that we have an institution twenty-eight years old, for the education of an afflicted and helpless class, in which only one fifth are provided a place, and we refuse to make provision for any more.

The estimated cost of the proposed improvement is \$2,500. Of this sum the Institution proposes to furnish, from its limited means, \$500; and the generous citizens of Danville, by private contribution, \$500; this leaves but \$1,500 to be furnished by the commonwealth, which, for so desirable an object, we can hardly believe the legislature will hesitate to appropriate.

Your committee would also represent that the annual allowance for state pupils, for board, tuition, &c., is now, and has been for some years, reduced to \$120. The original allowance, the committee are informed, was \$150; but, finding they could be sustained on a less sum, it was reduced, by the suggestion of the superintendent, to the present allowance. With this sum the Institution is enabled to employ but three instructors, including the superintendent, to impart instruction to the four classes now organized. Your committee are well satisfied that this number of teachers are insufficient, and that a great waste of the time of the pupils is the necessary consequence. Mutes cannot study a lesson of any description without the constant aid of an instructor. In order, therefore, to enable the employment of another assistant teacher, as also, to meet the general advance in the cost of living in this community, your committee recommend the enactment of a law raising the allowance for state pupils from \$120 to \$140, each, per annum.

Your committee cannot close this report without a reiteration of their entire confidence in the high qualification and untiring devotion of the present able and excellent superintendent, Mr. John A. Jacobs; as also, of their unqualified indorsement of the humane attention and parental kindness with which the physical comfort and moral training of the inmates are guarded and provided.

WM. ARCHER HOOE, *Ch. S. C.*
A. I. CALDWELL.
NORVIN GREEN, *Ch. H. R. C.*
W. F. MOORE,
J. F. BULLITT,
W. C. ANDERSON,
J. H. THOMAS.

Ordered, That the Public Printer print 150 copies of said report for the use of the members of the General Assembly.

Mr. Berry, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the ben-

efit of James E. Gardner, of Butler county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of the Louisville and Covington Railroad Company.

An act to incorporate the Nashville and Cincinnati Railroad Company. Reported the same with amendments to both of said bills.

Which were concurred in.

Ordered, That the 1st, as amended, be read a third time, and the 2d be made the special order of the day for to-morrow at 10 o'clock.

Mr. Lindsey, from the same committee, reported a bill to incorporate the Frankfort Turnpike Company.

Which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act further to provide for the collection of tolls on Muldrow's Hill, reported the same with the expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative. So said bill was disagreed to.

Mr. Hardin, from the committee on Finance, to whom were referred bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of the sheriff of Todd, Pulaski, and Green counties.

2. An act for the benefit of the sheriff of Bath county.

Reported the 1st without, and the 2d with an amendment.

Which was concurred in.

Ordered, That said bills, the 2d as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill

from the House of Representatives, entitled, an act concerning nine pin alleys, reported the same without amendment.

Mr. Taylor moved an amendment to said bill, which was adopted.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred the petition of Asahel Carl, reported the same with the following resolution thereon, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Taylor, from the committee on Education, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to establish the Parochial School of Elkton, Todd county.

An act for the benefit of Common Schools in Estill county.

An act to incorporate the Presbyterial Academy of Greenville.

An act to incorporate the Cynthiana Female Academy.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Cunningham, from the committee on Agriculture and Manufactures, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to establish a Tobacco Inspection at Paducah.

An act to incorporate the Frankfort Woolen Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Leslie, from the committee on Banks, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Newport Safety Fund Bank of Kentucky, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Leslie, from the joint committee on Banks, made a report.

[For Report—see *Legislative Documents*]

Ordered, That the Public Printer print 1000 copies of said report for the use of the Senate.

Mr. McHenry, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to amend the charter of the city of Lexington.

An act to extend the town limits of Shepherdsville.

An act to incorporate the town of New Haven.

An act for the benefit of the heirs of James Gay, deceased.

An act for the benefit of George F. Hickman.

An act to charter Union Lodge, No. 10, I. O. O. F., Nicholasville.

An act to charter Brooksville Lodge, No. 154, of Free and Accepted Masons.

An act to amend the city charter of Covington.

An act concerning the office of Marshal of the town of Lancaster, and to establish the office of Marshal in the town of Richmond.

An act to incorporate the town of Kiddville, in the county of Clarke.

Reported the same, with an amendment to the last named bill, which was concurred in.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, the last as amended, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom were referred bills from the House of Representatives, of the following titles, viz:

1. An act for the benefit of the keepers of livery stables.

2. An act for the benefit of George Webster, of the town of Winchester.

3. An act to amend an act, entitled, an act to amend an act, entitled, an act to incorporate the town of Shelbyville, approved March 24, 1851.

Reported the same without amendment.

And the question being taken on ordering the 1st and 3d bills to be read a third time, it was decided in the negative; so said bills were disagreed to.

Ordered, That the 2d bill be made the special order of the day for tomorrow at 10 o'clock.

Mr. McHenry, from the same committee, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate Wayne Division No. 176, Sons of Temperance.

An act to incorporate Carthage Division, No. 208, Sons of Temperance.

An act to incorporate Minerva Division, No. 64, Sons of Temperance.

An act to charter Fleming Division, No. 259, Sons of Temperance.

An act to incorporate Crittenden Division, No. 17, Sons of Temperance.

An act to incorporate Union Division, No. 42, Sons of Temperance.

Reported the same without amendment.

Ordered, That said bills be laid on the table.

Mr. McHenry, from the same committee, reported a bill for the benefit of the County Judges of this commonwealth, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, said bill was amended, and as amended, reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the presiding judges of the several county courts are hereby authorized to retain, out of the tax on writs, an amount sufficient to pay for their record books, and report the price of said books, as well as the amount retained, to the auditor of public accounts, provided that the price of said books do not exceed, in value, ten dollars.

Mr. Leslie moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hooe and Leslie, were as follows, viz:

Those who voted in the affirmative, were

William J. Berry,	Ben. Hardin,	Isaac P. Miller,
Thomas J. Blincoe,	James W. Irwin,	Reuben Munday,
Eli Bozarth,	Preston H. Leslie,	Jefferson Percifull,
Abram I. Caldwell,	Thomas N. Lindsey,	Thomas J. Smith,
Radford M. Cobb,	Lewis L. Mason,	Shelby Stone,
Ira Ellis,	John G. McFarland,	John D. Taylor,
Walker W. Haley,	Martin D. McHenry,	John C. Walker—21.

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	James F. Robinson,
Henry G. Bibb,	John A. Goodson,	John Shawhan,
William Bradley,	William A. Hooe,	Samuel A. Spencer—11.
Wallace W. Brown,	Thompson S. Parks,	

Mr. Stone, from the committee on Circuit Courts, to whom was referred a bill from the House of Representatives, entitled, an act to fix the time of holding the Circuit Courts in the 8th Judicial district, reported the same without amendment.

Ordered, That said bill be made the special order of the day for tomorrow at 10 o'clock.

Mr. Barnes, from the committee on County Courts, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act regulating the time of holding Magistrates' Courts in Barren county.

An act concerning the public records of the Bracken County Court.

An act to change the time of holding the quarterly terms of the County Judge of Daviess county.

An act to authorize the County Court of Allen to re-district election precincts, and establish one additional Justices' district and election precinct in said county.

An act to establish an April and July term of the Breckinridge County Court.

An act to change the time of holding the Garrard county and quarterly courts.

An act to authorize the County Court of Harrison county to borrow money.

Reported the same with an amendment to the last named bill, which was concurred in.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, the last as amended, and that the titles thereof be as aforesaid.

Mr. Barnes, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to provide a compensation for the Presiding Judge of the County Courts, reported the same without amendment, with an expression of opinion that it should not pass.

Said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the several county courts shall make an allowance to the presiding judge of the court, out of the county levy, at their court of claims, in each year, of not less than two, nor more than five dollars for each day he may be necessarily engaged in holding the county monthly courts; but he shall not claim for more than three days for each month, unless an allowance for a greater time be allowed by a majority of all the justices, who are by law members of said court, whether present or absent. This act shall not affect the presiding judge of the Jefferson county court.

And the question being taken on ordering said bill to be read a third time, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bibb and Walker, were as follows, viz :

Those who voted in the affirmative, were

Henry G. Bibb,	John A. Goodson,	Thompson S. Parks,
Wallace W. Brown,	William A. Hooe,	Thomas J. Smith,
Abram I. Caldwell,	Thomas N. Lindsey,	Samuel A. Spencer,
Joseph S. Conn,	Lewis L. Mason,	John D. Taylor,
John Cunningham,	James P. Orr,	John C. Walker—17.
John L. Elliott,		

Those who voted in the negative, were

Sidney M. Barnes,	Walker W. Haley,	Reuben Munday,
William J. Berry,	Ben. Hardin,	Jefferson Percifull,
Thomas J. Blincoe,	James W. Irwin,	James F. Robinson,
Eli Bozarth,	Preston H. Leslie,	John Shawhan,
Radford M. Cobb,	John G. McFarland,	Shelby Stone,
Ira Ellis,	Martin D. McHenry,	John J. Thomasson—18.

So the said bill was disagreed to.

Mr. Barnes, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act repealing the law requiring the Wayne County Court to erect and keep a stray pound, reported the same without amendment.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative. So said bill was disagreed to.

Mr. Bradley from the committee on Propositions and Grievances, to whom were referred bills from the House of Representatives of the following titles, viz :

An act to change certain districts and precincts in Lawrence county.

An act to change the place of voting from the house of Sarah Bates to the mouth of Mill Stone, in Letcher county.

An act for the benefit of William Richards, of Bath county.

An act to authorize the people of Fayette to provide for the erection of a new Court House.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz :

By Mr. Cobb, from a select committee—1. A bill to regulate the roads in Knox county.

By Mr. Mason, from a select committee—2. A bill to amend an act, entitled, an act to incorporate the Ghent and Eagle creek Turnpike Road Company.

By Mr. McHenry, from the committee on the Judiciary—3. A bill to allow the county of Bath to take stock in certain turnpike roads.

By same—4. A bill further to regulate divorces in this commonwealth.

By Mr. Bradley, from the committee on Propositions and Grievances—5. A bill to establish a part of the line between the counties of Lawrence, Pike, and Floyd.

By same—6. A bill to change the line of Clay and Harlan counties.

By same—7. A bill to repeal all laws authorizing the County Court of Perry county to remove the mill dam of James Johnston across the middle fork of the Kentucky river.

By Mr. McHenry, from the committee on the Judiciary—8. A bill to authorize the sale of a parsonage in Green county.

By Mr. Barnes, from the committee on County Courts—9. A bill to change the time of holding the quarterly court of the county of Bath.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st, 2d, 3d, 5th, 6th, 7th, 8th, and 9th, be engrossed and read a third time, and that the 4th be laid upon the table.

The constitutional provision as to the third reading of the 1st, 2nd, 3d, 5th, 6th, 7th, 8th, and 9th, being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bradley, from the committee on Propositions and Grievances, to whom was referred the petition of a portion of the citizens of Clay county, praying to be added to the county of Harlan, asked to be discharged from the further consideration of said petition, which was granted.

Mr. Thomasson moved a reconsideration of the vote by which the committee was discharged from the consideration of said petition, which was decided in the affirmative.

Ordered, That said committee be instructed to report a bill in accordance with the prayer of the petitioners.

The Senate according to order took up a bill to appropriate money for the erection of a bridge across Straight creek, in Harlan county.

Said bill reads as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of four hundred and fifty dollars be and the same is hereby appropriated for the erection of a bridge across Straight creek, in Harlan county, and the auditor is directed to draw a warrant upon the treas-

ury for that amount, in favor of the commissioners hereinafter appointed to superintend the building of said bridge.

Be it further enacted, That B. F. Herndon, Henry Wilson, and James Stewart, be appointed commissioners to superintend the building of said bridge. They are directed to let out the building of said bridge to the lowest bidder, taking from the contractor bond, with good security, for the performance of the work. They are directed to advertise the time and place of letting out the building of said bridge twenty-five days, by posting up written notices on the court house, and the several tavern houses in Mt. Pleasant.

Be it further enacted, That before the money shall be drawn, under the provisions of this act, the county court of Harlan shall give a bond, in a penalty of double the amount drawn, with good security, to be approved by the governor, the bond to be given to the commonwealth of Kentucky, and lodged in the office of the Secretary of State, and to be conditioned as follows: That said county court will, without any further aid from the government, cause to be erected a good and substantial bridge across Straight creek, at the place proposed, above high water, within three years from the time of drawing the money, and upon a failure to build said bridge within the time prescribed, then, and in that event, to return such sum or sums of money as may be drawn from the public treasury.

Said bill having been read a third time, the question was taken on the passage thereof, and it was decided in the negative, the constitutional majority not voting therefor.

The yeas and nays being required thereon in accordance with the constitution, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	John L. Elliott,	Isaac P. Miller,
Henry G. Bibb,	Ben. Hardin,	Reuben Munday,
Thomas J. Blincoe,	William A. Hooe,	Thompson S. Parks,
William Bradley,	Thomas N. Lindsey,	Jefferson Percifull,
Wallace W. Brown,	Lewis L. Mason,	James F. Robinson,
Radford M. Cobb,	Martin D. McHenry,	John D. Taylor—19.
John Cunningham,		

Those who voted in the negative, were

William J. Berry,	James W. Irwin,	Thomas J. Smith,
Eli Bozarth,	Preston H. Leslie,	Samuel A. Spencer,
Ira Ellis,	John G. McFarland,	Shelby Stone,
Richard D. Gholson,	James P. Orr,	John J. Thomasson,
John A. Goodson,	William Preston,	John C. Walker—17.
Walker W. Haley,	John Shawhan,	

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled, an act to provide for the completion of the Second Kentucky Lunatic Asylum.

Said bill having been read a third time, the question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the constitution, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Ira Ellis,	Isaac P. Miller,
Henry G. Bibb,	John A. Goodson,	Reuben Munday,
Thomas J. Blincoe,	Ben. Hardin,	Thompson S. Parks,
Eli Bozarth,	William A. Hooe,	William Preston,
William Bradley,	James W. Irwin,	James F. Robinson,
Wallace W. Brown,	Thomas N. Lindsey,	Samuel A. Spencer,
Joseph S. Conn,	Lewis L. Mason,	John D. Taylor,
John Cunningham,	John G. McFarland,	John J. Thomasson,
John L. Elliott,	Martin D. McHenry,	John C. Walker—27.

Those who voted in the negative, were

Sidney M. Barnes,	Preston H. Leslie,	John Shawhan,
Radford M. Cobb,	James P. Orr,	Thomas J. Smith—7.
Richard D. Gholson,		

The Senate, according to order, took up for consideration a bill authorizing the governor to appoint commissioners to examine the Banking Institutions of this state, and for other purposes.

Said bill was amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bradley, from the committee on Propositions and Grievances, to whom was referred a bill to require railroad companies, and owners of land adjacent thereto, to inclose their roads and lands, reported the same without amendment.

Said bill reads as follows, viz :

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of every railroad company now existing, or hereafter to be created, to build and keep up lawful fences on and along all parts of their said roads, where relinquishments of lands were made to them for the use of such roads, without compensation paid therefor.

§ 2. Where the owners of lands claimed damages, and had included therein the cost of fencing them, such owner or owners shall make and keep up lawful fences between his or their lands, and the lands of the railroad company.

§ 3. Where damages were claimed, but the verdict of the jury does not embrace the value of fencing to be made between the lands condemned and the adjoining lands, then the railroad company and owners, or occupiers of the adjoining lands, shall make equal portions of the fencing, so as to separate the lands of the railroad from the adjoining lands.

§ 4. If the president and directors of any railroad company, or own-

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ers or occupiers of adjacent lands shall fail to make and keep up fencing, as required by this act, the president and directors of the railroad company, and owners or occupiers of the lands adjoining thereto, shall be liable, jointly or severally, as it may have been their duty to act, to be indicted by the grand jury of the county in which the failure occurred, and fined in any sum not less than twenty dollars, nor more than one hundred dollars, for every three months he or they shall so fail to make and keep lawful fences.

§ 5. In addition to the fine allowed to be assessed by this act, the railroad companies and owners of lands aforesaid shall be liable for all injuries occurring or happening, by reason of stock wandering over or upon the railroad track, or occasioned by the cars being run off the track by running against or over stock of any kind wandering thereon.

§ 6. All railroad companies referred to in this act shall, and they are hereby required to make suitable and sufficient "cow gaps," or other protections, at every place where their railroad tracks cross a public road or private passway, or a necessary passway on any farm from one part thereof to another, so as to keep stock from getting on their roads; and for every three months they shall so fail to make or keep suitable cow gaps or other protections, as aforesaid, they shall be liable to be fined as in section 4, of this act, and they shall also be liable to the owners for all stock injured or killed by their cars, and for all damage done to any person or property being transported by their cars, by any appropriate action.

§ 7. In all cases where any stock shall be injured or destroyed by the cars of any railroad company, running over or against the same at the crossing of public roads or passways, or any person shall be injured by any such act, the railroad company shall be liable for all damages, by any appropriate proceeding in any court having jurisdiction of the case.

§ 8. It shall be lawful for any railroad company to contract in writing with the owners or occupiers of lands adjoining the railroad lands, to make and keep up lawful fences, as required by this act, for a stipulated sum, to be paid at such time or times as may be agreed upon; and when such contract is made, the owners or occupiers of the lands shall alone be responsible for the failure to make and keep up the fences required by this act, and for the damages occasioned by the failure.

Mr. Preston moved the following amendment as a substitute for the 1st section of said bill.

§ 1. That it shall be the duty of every railroad company, now existing, or hereafter created, and the owners of land through which they pass, to erect and keep up by joint contribution, and at joint expense lawful partition fences, along the track of such roads, in all cases where the right of way has been, or may be relinquished without compensation. But in all such cases, the railroad company shall, over and above its equal portion for such fence, bear a portion of the expense equal to the value of the land so relinquished without compensation.

And the question being taken on the adoption of the amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Preston and Cunningham, were as follows, viz:

Those who voted in the affirmative, were

Thomas J. Blincoe,	John L. Elliott,	Isaac P. Miller,
John Cunningham,	John A. Goodson,	William Preston—6.

Those who voted in the negative, were

Sidney M. Barnes,	William A. Hooe,	Jefferson Percifull,
Henry G. Bibb,	James W. Irwin,	James F. Robinson,
Eli Bozarth,	Preston H. Leslie,	John Shawhan,
William Bradley,	Thomas N. Lindsey,	Thomas J. Smith,
Wallace W. Brown,	Lewis L. Mason,	Samuel A. Spencer,
Joseph S. Conn,	Martin D. McHenry,	Shelby Stone,
Richard D. Gholson,	Reuben Munday,	John D. Taylor,
Walker W. Haley,	James P. Orr,	John J. Thomasson,
Ben. Hardin,	Thompson S. Parks,	John C. Walker—27.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration a bill to incorporate the Lexington and Cumberland Railroad Company.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were read the first time, viz :

1. An act to amend the charter of the Kentucky Trust Company Bank.
2. An act to incorporate the Coal Haven Coal Mining Company, of Daviess county.
3. An act to incorporate the Coal Haven Manufacturing Company.
4. An act to amend the charter of the Kentucky Female Orphan School.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st was referred to the committee on Banks; the 2d and 3d were ordered to be read a third time; and the 4th was referred to the committee on Education.

The constitutional provision as to the third reading of the 2d and 3d bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz :

On motion of Mr. Taylor—1. A bill for the benefit of the sheriffs of Mason and Lewis counties.

On motion of same—2. A bill for the benefit of Samuel W. Wood of Maysville.

On motion of Mr. Stone—3. A bill for the benefit of the sheriff of Wayne county.

On motion of Mr. Cobb—4. A bill to amend an act, entitled, an act to take the sense of the people of Owsley county, for the purpose of changing the county seat of said county.

On motion of Mr. Miller—5. A bill to incorporate a State Board of Agriculture.

Ordered, That the committee on Finance prepare and bring in the 1st and 3d; the committee on County Courts the 2d; Messrs. Cobb, Haley, and Bradley the 4th; and the committee on Agriculture and Manufactures the 5th.

Ordered, That Mr. Preston inform the House of Representatives that the Senate is now ready to proceed to the election of a Senator in Congress, to fill the vacancy occasioned by the resignation of the Hon. H. Clay.

A message was received from the House of Representatives announcing that they were ready to proceed to the election of a Senator in Congress.

Mr. Preston nominated Mr. Archibald Dixon as one qualified to fill said office.

Mr. Gholson nominated Mr. Elijah Hise.

Mr. Munday nominated Mr. George Robertson.

Mr. Walker nominated Mr. Charles S. Morehead.

After an interchange of nominations the Senate proceeded to ballot for a Senator in Congress, which resulted thus:

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Joseph S. Conn,	William Preston,
William J. Berry,	Ira Ellis,	Shelby Stone,
Henry G. Bibb,	James W. Irwin,	John D. Taylor—11.
Eli Bozarth,	Preston H. Leslie,	

Those who voted for Mr. Robertson, were

Radford M. Cobb,	Walker W. Haley,	Reuben Munday—3.
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Those who voted for Mr. Morehead, were

Abram I. Caldwell,	Thomas N. Lindsey,	James F. Robinson,
John Cunningham,	Martin D. McHenry,	John C. Walker—7.
Ben. Hardin,		

Those who voted for Mr. Hise, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John Shawhan,
Wallace W. Brown,	John G. McFarland,	Thomas J. Smith,

John L. Elliott, Isaac P. Miller, Samuel A. Spencer,
 Richard D. Gholson, James P. Orr, John J. Thomasson—17.
 John A. Goodson, Thompson S. Parks,

Messrs. Robinson, McFarland, and Blincoe, were appointed a committee to compare the joint vote, and report the result.

After a short time, the committee reported that the joint vote stood thus :

For Mr. Dixon,	-	-	-	-	-	-	-	34
For Mr. Robertson,	-	-	-	-	-	-	-	21
For Mr. Morehead,	-	-	-	-	-	-	-	19
For Mr. Hise,	-	-	-	-	-	-	-	59

No one in nomination having received a majority of all the votes given, the Senate, after an interchange of nominations, proceeded to take another vote, which stood thus :

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Joseph S. Conn,	Preston H. Leslie,
William J. Berry,	Ira Ellis,	William Preston,
Henry G. Bibb,	James W. Irwin,	John D. Taylor—10.
Eli Bozarth,		

Those who voted for Mr. Robertson, were

Radford M. Cobb,	Reuben Munday,	Shelby Stone—4.
Walker W. Haley,		

Those who voted for Mr. Morehead, were

Abram I. Caldwell,	Thomas N. Lindsey,	James F. Robinson,
John Cunningham,	Martin D. McHenry,	John C. Walker—7.
Ben. Hardin,		

Those who voted for Mr. Hise, were

Thomas J. Blincoe,	Lewis L. Mason,	Jefferson Percifull,
William Bradley,	John G. McFarland,	John Shawhan,
Wallace W. Brown,	Isaac P. Miller,	Thomas J. Smith,
Richard D. Gholson,	James P. Orr,	Samuel A. Spencer,
John A. Goodson,	Thompson S. Parks,	John J. Thomasson—16.
William A. Hooe,		

The same committee were appointed to compare and report the joint vote.

After a short time, the committee reported that the joint vote stood thus :

For Mr. Dixon,	-	-	-	-	-	-	-	34
For Mr. Robertson,	-	-	-	-	-	-	-	23
For Mr. Morehead,	-	-	-	-	-	-	-	18
For Mr. Hise,	-	-	-	-	-	-	-	57

Mr. Caldwell nominated Mr. James Harlan.

No one in nomination having received a majority of all the votes given

en, the Senate, after an interchange of nominations, proceeded to take another vote, which stood thus :

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Joseph S. Conn,	Preston H. Leslie,
William J. Berry,	Ira Ellis,	William Preston,
Henry G. Bibb,	James W. Irwin,	John D. Taylor—10.
Eli Bozarth,		

Those who voted for Mr. Robertson, were

Radford M. Cobb,	Reuben Munday,	Shelby Stone—4.
Walker W. Haley,		

Those who voted for Mr. Morehead, were

John Cunningham,	Thomas N. Lindsey,	James F. Robinson,
Ben. Hardin,	Martin D. McHenry,	John C. Walker—6.

Those who voted for Mr Hise, were

Thomas J. Blincoc,	William A. Hooe,	Thompson S. Parks,
William Bradley,	Lewis L. Mason,	Jefferson Percifull,
Wallace W. Brown,	John G. McFarland,	John Shawhan,
John L. Elliott,	Isaac P. Miller,	Thomas J. Smith,
Richard D. Gholson,	James P. Orr,	John J. Thomasson—16.
John A. Goodson,		

Those who voted for Mr. Harlan, were

Abram I. Caldwell,	Samuel A. Spencer—2.
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The same committee were appointed to compare and report the joint vote.

After a short time, the committee reported that the joint vote stood thus :

For Mr. Dixon,	36
For Mr. Robertson,	20
For Mr. Morehead,	19
For Mr. Hise,	53
For Mr. Harlan,	4
For Mr. Marshall,	1

Mr. Gholson withdrew Mr. Hise.

Mr. Hooe nominated Mr. James Guthrie.

No one in nomination having received a majority of all the votes given, after an interchange of nominations, the Senate proceeded to take another vote, which stood thus :

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Joseph S. Conn,	Preston H. Leslie,
William J. Berry,	Ira Ellis,	William Preston,
Henry G. Bibb,	James W. Irwin,	John D. Taylor—10.
Eli Bozarth,		

Those who voted for Mr. Robertson, were

Walker W. Haley,	Reuben Munday—2.
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Those who voted for Mr. Morehead, were

John Cunningham,	Martin D. McHenry,	Samuel A. Spencer,
Ben. Hardin,	James P. Orr,	John C. Walker—8.
Thomas N. Lindsey,	James F. Robinson,	

Those who voted for Mr. Guthrie, were

Thomas J. Blincoe,	John A. Goodson,	Thompson S. Parks,
William Bradley,	William A. Hooe,	Jefferson Percifull,
Wallace W. Brown,	Lewis L. Mason,	John Shawhan,
John L. Elliott,	John G. McFarland,	Thomas J. Smith,
Richard D. Gholson,	Isaac P. Miller,	John J. Thomasson—15.

Those who voted for Mr. Harlan, were

Abram I. Caldwell,	Radford M. Cobb,	Shelby Stone—3.
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The same committee were appointed to compare the joint vote, and report the result.

After a short time, the committee reported that the joint vote stood thus :

For Mr. Dixon,	- - - - -	35
For Mr. Robertson,	- - - - -	20
For Mr. Morehead,	- - - - -	20
For Mr. Harlan,	- - - - -	6
For Mr. Guthrie,	- - - - -	52

Mr. Caldwell withdrew the name of Mr. Harlan.

No one in nomination having received a majority of all the votes given, the Senate, after an interchange of nominations, proceeded to take another vote, which stood thus :

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Joseph S. Conn,	Preston H. Leslie,
William J. Berry,	Ira Ellis,	William Preston,
Henry G. Bibb,	Walker W. Haley,	John D. Taylor—11.
Eli Bozarth,	James W. Irwin,	

Those who voted for Mr. Robertson, were

Radford M. Cobb,	Reuben Munday,	Shelby Stone—3.
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Those who voted for Mr. Morehead, were.

Abram I. Caldwell,	Thomas N. Lindsey,	James F. Robinson,
John Cunningham,	Martin D. McHenry,	Samuel A. Spencer,
Ben. Hardin,	James P. Orr,	John C. Walker—9.

Those who voted for Mr. Guthrie, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John Shawhan,
Wallace W. Brown,	John G. McFarland,	Thomas J. Smith—7.
Richard D. Gholson,	Isaac P. Miller,	John J. Thomasson—14.
John A. Goodson,	Thompson S. Parks,	

For Mr. J. S. Williams—John L. Elliott.

The committee appointed to compare the joint vote and report the result, after a short time, reported that the joint vote stood thus :

For Mr. Dixon,	-	-	-	-	-	-	34
For Mr. Robertson,	-	-	-	-	-	-	24
For Mr. Morehead,	-	-	-	-	-	-	25
For Mr. Guthrie,	-	-	-	-	-	-	46
For Mr. Williams,	-	-	-	-	-	-	1
For Mr. L. M. Cox,	-	-	-	-	-	-	1

Mr. Munday withdrew the nomination of Mr. George Robertson.

No one in nomination having received a majority of all the votes given, the Senate, after an interchange of nominations, proceeded to take another vote, which stood thus :

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Joseph S. Conn,	Reuben Munday,
William J. Berry,	Ira Ellis,	William Preston,
Henry G. Bibb,	Walker W. Haley,	Shelby Stone,
Eli Bozarth,	James W. Irwin,	John D. Taylor—14.
Radford M. Cobb,	Preston H. Leslie,	

Those who voted for M. Morehead, were

Abram I. Caldwell,	Thomas N. Lindsey,	Samuel A. Spencer,
John Cunningham,	Martin D. McHenry,	John C. Walker—8.
Ben. Hardin,	James F. Robinson,	

Those who voted for Mr. Guthrie, were

Thomas J. Blincoe,	William A. Hooe,	Thompson S. Parks,
William Bradley,	Lewis L. Mason,	Jefferson Percifull,
Wallace W. Brown,	John G. McFarland,	John Shawhan,
John L. Elliott,	Isaac P. Miller,	Thomas J. Smith,
Richard D. Gholson,	James P. Orr,	John J. Thomasson—16.
John A. Goodson,		

The committee appointed to compare the joint vote and report the result, after a short time, reported that the joint vote stood thus :

For Mr. Dixon,	-	-	-	-	-	-	59
For Mr. Morehead,	-	-	-	-	-	-	33
For Mr. Guthrie,	-	-	-	-	-	-	41
For Mr. Bradley,	-	-	-	-	-	-	1

Mr. Walker withdrew the name of Mr. Morehead.

No one in nomination having received a majority of all the votes given, after an interchange of nominations, the Senate proceeded to take another vote, which stood thus :

Those who voted for Mr. Dixon, were

Sidney M. Barnes,	Ira Ellis,	Reuben Munday,
William J. Berry,	Walker W. Haley,	William Preston,
Henry G. Bibb,	James W. Irwin,	James F. Robinson,
Eli Bozarth,	Preston H. Leslie,	Shelby Stone,
Radford M. Cobb,	Thomas N. Lindsey,	John D. Taylor,
Joseph S. Conn,	Martin D. McHenry,	John C. Walker—19.
John Cunningham,		

Those who voted for Mr. Guthrie, were

Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John Shawhan,
Wallace W. Brown,	John G. McFarland,	Thomas J. Smith,
John L. Elliott,	Isaac P. Miller,	Samuel A. Spencer,
Richard D. Gholson,	James P. Orr,	John J. Thomasson—17.
John A. Goodson,	Thompson S. Parks,	

For Mr. G. Davis—Abram I. Caldwell.

The committee appointed to compare the joint vote and report the result, after a short time, reported that the joint vote stood thus :

For Mr. Dixon,	- - - - -	71
For Mr. Guthrie,	- - - - -	58
For Mr. Davis,	- - - - -	1
For Mr. Morehead,	- - - - -	1
For Mr. Underwood,	- - - - -	1
For Mr. Helm,	- - - - -	1

The Hon. Archibald Dixon having received a majority of all the votes given, was declared duly elected Senator in Congress, to fill the vacancy occasioned by the resignation of the Hon. H. Clay.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 31, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz :

An act to amend an act, to establish the town of Brooklyn, in Campbell county, approved Feb. 27, 1849.

An act to incorporate the Commercial Bank of Paducah.

An act to authorize the county of Henry to subscribe stock in the Louisville and Covington Railroad Company, with amendments to the last named bill.

That they had passed bills of the following titles, viz :

An act to incorporate New Castle Division No. 114, Sons of Temperance.

An act to amend the charter of the Winchester and Paris Turnpike Road Company.

An act authorizing certain counties in this state to subscribe stock in the Henderson and Nashville Railroad Company.

An act to incorporate the Covington Library Association, and to amend an act approved December, 1830, and incorporating the Madison Library Company.

An act to amend an act, entitled, an act prescribing the means and mode of opening and working roads in Boone county.

An act for the benefit of John Riley.

An act to charter the Hamilton Turnpike Road Company.

An act authorizing the Judge of the Hart County Court to hold a July term of said court.

An act supplemental to the act incorporating the Commercial Bank of Paducah.

Mr. Hardin, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act to authorize the County Court of McCracken to levy an *ad valorem* tax to build a court house and jail.

An act for the benefit of the Sheriff of Kenton county.

An act for the benefit of the Sheriff of Oldham county.

An act for the benefit of James McNeil, former surveyor of Laurel county.

Reported the same, with an amendment to the last named bill, which was concurred in.

Ordered, That said bills, the last as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration a bill from the House of Representatives, entitled, an act incorporating the Peoples Hydropathic Literary and American Reform College of Kentucky.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the clerk of the Daviess County and Circuit Courts, reported the same with the expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative. So said bill was disagreed to.

Mr. Hardin, from the same committee, to whom was referred a bill

from the House of Representatives, entitled, an act to provide for the erection of a suitable monument over the grave of Col. Thomas Dollerhide, reported the same with the expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Walker, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Walker W. Haley,	Reuben Munday,
Henry G. Bibb,	William A. Hooe,	James P. Orr,
Abram I. Caldwell,	James W. Irwin,	William Preston,
Radford M. Cobb,	Thomas N. Lindsey,	Samuel A. Spencer,
John Cunningham,	John G. McFarland,	Shelby Stone,
Ira Ellis,	Isaac P. Miller,	John D. Taylor—19.
John A. Goodson,		

Those who voted in the negative, were

William J. Berry,	Preston H. Leslie,	James F. Robinson,
Thomas J. Blincoe,	Lewis L. Mason,	John Shawhan,
Eli Bozarth,	Martin D. McHenry,	Thomas J. Smith,
Richard D. Gholson,	Thompson S. Parks,	John J. Thomasson,
Ben. Hardin,	Jefferson Percifull,	John C. Walker—15.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

Resolved, That the title of said bill be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred the petition of Ambrose Arthur, reported the same with the following resolution, viz :

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Stone, from the committee on Circuit Courts, to whom was referred a bill fixing the time of holding the Circuit Courts in the 12th Judicial district, reported the same without amendment.

Said bill reads as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the circuit courts for the twelfth judicial district in this commonwealth, shall be commenced and held in the several counties therein as follows, to-wit : In the county of Rockcastle, on the first Monday in March and second Monday in August, in each year, and continue at each term six juridical days, if the business require it; in the county of Laurel, on the second Monday in March and third Monday in August, in each year, and continue six juridical days, if the business require it; in the county of Whitley, on the third Monday in March and fourth Monday in August, in each year, and continue six juridical days, if the business require it; in the county of Knox, on the fourth Monday in March, and continue twelve juridical

days, and the first Monday in September, and continue six juridical days, if the business require it; in the county of Clay, on the second Monday in April and September, in each year, and continue, at each term, six juridical days, if the business require it; in the county of Harlan, on the third Monday in April and September, in each year, and continue, at each term, six juridical days, if the business require it; in the county of Perry, the fourth Monday in April and September, in each year, and continue, at each term, six juridical days, if the business require it; in the county of Letcher, on the first Mondays succeeding the Perry circuit courts, in each year, and continue six juridical days, if the business require it; in the county of Pike, on the Mondays succeeding the holding of the Letcher circuit courts, in each year, and continue six juridical days, if the business require it; in the county of Floyd, on the Mondays succeeding the Pike circuit courts, in each year, and continue six juridical days, if the business require it; in the county of Johnson, on the Mondays succeeding the Floyd circuit courts, in each year, and continue six juridical days, if the business require it; in the county of Breathitt, on the Mondays succeeding the Johnson circuit courts, in each year, and continue six juridical days, if the business require it; in the county of Owsley, on the Mondays succeeding the Breathitt circuit courts, in each year, and continue six juridical days, if the business require it.

Mr. Barnes moved the following as an amendment to said bill.

The circuit court of Owsley shall be held on the fourth Monday in April and September, and the Perry court, the Mondays next after the Owsley court; the Letcher court, on the Mondays next after the Perry court, and the Pike court on the Mondays next after the Letcher court; the Floyd court on the Mondays next after the Pike court; and the Johnson court on the Mondays next after the Floyd court; and the Breathitt court on the Mondays after the Johnson court; and each of said courts to continue six juridical days, if the business require it.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Munday and Barnes, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Ben. Hardin,	James F. Robinson,
William J. Berry,	James W. Irwin,	Samuel A. Spencer,
Henry G. Bibb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	Reuben Munday,	John C. Walker—14.
John A. Goodson,	William Preston,	

Those who voted in the negative, were

Thomas J. Blincoe,	Richard D. Gholson,	James P. Orr,
Eli Bozarth,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John Shawhan,
Abram I. Caldwell,	John G. McFarland,	Thomas J. Smith,
Radford M. Cobb,	Martin D. McHenry,	Shelby Stone,
John Cunningham,	Isaac P. Miller,	John J. Thomasson—19.
John L. Elliott,		

Mr. Irwin moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Barnes and Cobb, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	James W. Irwin,	William Preston,
William J. Berry,	Preston H. Leslie,	James F. Robinson,
Henry G. Bibb,	Reuben Munday,	John D. Taylor,
Joseph S. Conn,	James P. Orr,	John C. Walker—13.
Ben. Hardin,		

Those who voted in the negative, were

Thomas J. Blincoe,	Ira Ellis,	Martin D. McHenry,
Eli Bozarth,	Richard D. Gholson,	Isaac P. Miller,
William Bradley,	John A. Goodson,	Jefferson Percifull,
Abram I. Caldwell,	Walker W. Haley,	John Shawhan,
Radford M. Cobb,	William A. Hooe,	Thomas J. Smith,
John Cunningham,	Lewis L. Mason,	Shelby Stone,
John L. Elliott,	John G. McFarland,	John J. Thomasson—21.

Ordered, That said bill be read a third time.

Mr. Leslie from the committee on Banks, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Kentucky Trust Company Bank, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Ordered, That the said bill be made the special order of the day for tomorrow at 10 o'clock.

Mr. Taylor, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Kentucky Female Orphan School, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz :

By Mr. Cunningham, from the committee on Agriculture and Manufactures—A bill to establish a State Board of Agriculture, and for other purposes.

By Mr. Taylor, from a select committee—A bill to incorporate Pikeville Turnpike Road Company.

By Mr. Irwin, from the committee on Internal Improvement—A bill to

amend an act incorporating certain turnpike road companies in the county of Garrard.

By Mr. Irwin, from the same committee—A bill to incorporate the Hall of Simpson Benevolent Lodge, No. 177, Ancient Free and Accepted Masons.

By Mr. Walker, from a select committee—A bill for the benefit of the clerk of the Hardin Circuit Court.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Governor by Mr. Meriwether, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up and read as follows, viz :

EXECUTIVE DEPARTMENT,
FRANKFORT, Dec. 31, 1851. }

Gentlemen of the Senate :

I nominate for your advice and consent, William Gordon, H. F. Givens, Thomas M. Davis, J. L. Hodge, and William McCrosky, to be trustees of the Cumberland Hospital; Joshua F. Bullitt and John O. Bullock, to be notaries public for the county of Jefferson; and Nathan K. Seaton to be notary public for the county of Greenup; Isaac H. Howell and Benjamin Miller, notaries public for Nicholas county.

L. W. POWELL.

Resolved, That the Senate advise and consent to said appointments.

The Speaker laid before the Senate the annual report of the President of the Board of Internal Improvement.

[*For Report—see Legislative Documents.*]

Ordered, That the Public Printer print 1000 copies of said report for the use of the Senate.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled, an act fixing the time of holding the Circuit Courts in the 8th Judicial district.

Mr. Orr moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate, according to order, took up for consideration a bill from

the House of Representatives, entitled, an act to incorporate the Nashville and Cincinnati Railroad Company.

And the question being taken on ordering said bill to be read a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bibb and Mason, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	William A. Hooe,	William Preston,
William J. Berry,	James W. Irwin,	James F. Robinson,
Thomas J. Blincoe,	Preston H. Leslie,	John Shawhan,
Abram I. Caldwell,	Thomas N. Lindsey,	Thomas J. Smith,
John Cunningham,	Lewis L. Mason,	Samuel A. Spencer,
John L. Elliott,	Martin D. McHenry,	Shelby Stone,
John A. Goodson,	Reuben Munday,	John D. Taylor,
Walker W. Haley,	Thompson S. Parks,	John J. Thomasson—24.

Those who voted in the negative, were

Henry G. Bibb,	Ira Ellis,	Isaac P. Miller,
Eli Bozarth,	Richard D. Gholson,	Jefferson Percifull,
William Bradley,	Ben. Hardin,	John C. Walker—11.
Joseph S. Conn,	John G. McFarland,	

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act supplemental to the act incorporating the Commercial Bank of Paducah, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Walker—1. A bill for the benefit of the clerk of the Hardin Circuit Court.

On motion of Mr. Munday—2. A bill to amend an act incorporating certain turnpike roads in the county of Garrard.

On motion of Mr. Caldwell—3. A bill for the benefit of the Deaf and Dumb Asylum at Danville.

Messrs. Walker, Lindsey, and Hardin, were appointed a committee to prepare and bring in the 1st; the committee on Internal Improvement, the 2nd; and Messrs. Caldwell, Hooe, and Goodson, the 3d.

Mr. McHenry read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the clerks of the Senate and House of Representatives, be and they are hereby authorized to employ a sufficient number of assistants to enroll the bills passed by the present legislature.

The rule of the Senate being dispensed with, said resolution was taken up, twice read, and adopted.

Mr. Hardin moved the following resolution, viz :

Resolved, That a committee of five be appointed, whose duty it shall be to forthwith examine into the business now before each house of the present general assembly, unfinished; the character of such business, and make report thereof on or before to-morrow morning, at half-past nine o'clock, with their opinion upon the question of prolonging the present session beyond sixty days; and that they also inquire and report why the important and necessary measures have not been passed.

Which was adopted.

Mr. Gholson moved a reconsideration of the vote adopting said resolution.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Berry, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	William A. Hooe,	James P. Orr,
Henry G. Bibb,	Preston H. Leslie,	Thompson S. Parks,
Thomas J. Blincoe,	Thomas N. Lindsey,	Jefferson Percifull,
Eli Bozarth,	Lewis L. Mason,	James F. Robinson,
William Bradley,	John G. McFarland,	John Shawhan,
Wallace W. Brown,	Martin D. McHenry,	Thomas J. Smith,
John L. Elliott,	Isaac P. Miller,	Samuel A. Spencer,
Richard D. Gholson,	Reuben Munday,	John J. Thomasson—24.

Those who voted in the negative, were

Sidney M. Barnes,	Ira Ellis,	William Preston,
Abram I. Caldwell,	Walker W. Haley,	Shelby Stone,
Radford M. Cobb,	Ben. Hardin,	John D. Taylor,
Joseph S. Conn,	James W. Irwin,	John C. Walker—13.
John Cunningham,		

The question was again taken on the adoption of said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Hardin, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Walker W. Haley,	James P. Orr,
Henry G. Bibb,	Ben. Hardin,	William Preston,
Eli Bozarth,	James W. Irwin,	James F. Robinson,
Abram I. Caldwell,	Preston H. Leslie,	Samuel A. Spencer,
Radford M. Cobb,	Thomas N. Lindsey,	Shelby Stone,
Joseph S. Conn,	Lewis L. Mason,	John D. Taylor,
John Cunningham,	Martin D. McHenry,	John J. Thomasson,
John L. Elliott,	Isaac P. Miller,	John C. Walker—26.
Ira Ellis,	Reuben Munday,	

Those who voted in the negative, were

William J. Berry,	Richard D. Gholson,	Jefferson Percifull,
Thomas J. Blincoe,	John A. Goodson,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith—11.
Wallace W. Brown,	Thompson S. Parks,	

Whereupon, Messrs. Stone, Preston, Goodson, Spencer, and Orr, were appointed said committee.

After a short time, Mr. Stone, from said committee, made the following report :

The committee appointed to inquire into the state of the business of the house of representatives and senate, and report whether, in their belief, an extension of the session beyond the period of sixty days is necessary, have the honor to report: that they find that in the senate there are sixty bills to enroll, from the senate; that the code of practice has not been acted on, nor has the code for the practice of the county courts and justices, required by the constitution, been acted on by either house; that there are about sixteen original bills to engross in the senate not yet done; that there are about sixty bills now before the committees, some of great general interest, (as the provision for the Blind Asylum recently burned;) that in the house, there are fifty-eight bills passed, not yet enrolled; that the revised statutes are in course of consideration; that the code of practice has not been yet acted on; that about one hundred bills are in hands of committees, and that neither the apportionment nor appropriation bills are yet passed, or in a condition to be presented to the consideration of the assembly; the clerks state that it will be impossible to enroll the bills already passed. One-half of the revised statutes will be in operation, and one-half inoperative if the session closes to-morrow, thus subjecting the civil rights of the people of Kentucky to one-half of an incomplete digest.

The committee are of opinion that it will be impossible to enroll (even in its printed form,) the revised statutes, and that a great number of acts necessary to the country and its local interests, will perish by the termination of the session to-morrow.

They, therefore, recommend that the senate concur in the resolution of the house of representatives, extending the session to the 12th of January, 1852. All of which, is respectfully submitted.

SHELBY STONE,
WM. PRESTON,
S. A. SPENCER,
Committee.

A resolution from the House of Representatives extending the session of the present General Assembly, was taken up.

Said resolution reads as follows, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That it is the duty of the present legislature fully and deliberately to enact a general system of laws for the government of the people of Kentucky, as required by the constitution of the state, founded upon the reports of the commissioners appointed to revise the statutes, and the commissioners appointed to prepare a code of procedure in the courts, and that this

session shall be extended beyond sixty days, long enough to effect that purpose; and that the legislature shall take a recess, which shall be only one day, and that, the 25th day of the present month.

And the question being taken on concurring therein, it was decided in the negative, (two-thirds of all the members elected to the Senate not voting therefor.)

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Walker W. Haley,	Reuben Munday,
Henry G. Bibb,	Ben. Hardin,	James P. Orr,
Abram I. Caldwell,	James W. Irwin,	William Preston,
Radford M. Cobb,	Preston H. Leslie,	James F. Robinson,
Joseph S. Conn,	Thomas N. Lindsey,	Samuel A. Spencer,
John Cunningham,	Lewis L. Mason,	Shelby Stone,
John L. Elliott,	Martin D. McHenry,	John D. Taylor,
Ira Ellis,	Isaac P. Miller,	John C. Walker—25.
John A. Goodson,		

Those who voted in the negative, were

William J. Berry,	Richard D. Gholson,	Jefferson Percifull,
Thomas J. Blincoe,	William A. Hooe,	John Shawhan,
Eli Bozarth,	John G. McFarland,	Thomas J. Smith,
William Bradley,	Thompson S. Parks,	John J. Thomasson—13.
Wallace W. Brown,		

Mr. Bozarth moved a reconsideration of said vote.

And the question being taken thereon, it was decided in the affirmative.

The question was again taken on concurring in said resolution, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	John A. Goodson,	Reuben Munday,
Henry G. Bibb,	Walker W. Haley,	James P. Orr,
Eli Bozarth,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	James W. Irwin,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	Samuel A. Spencer,
Joseph S. Conn,	Thomas N. Lindsey,	Shelby Stone,
John Cunningham,	Lewis L. Mason,	John D. Taylor,
John L. Elliott,	Martin D. McHenry,	John C. Walker—26.
Ira Ellis,	Isaac P. Miller,	

Those who voted in the negative, were

William J. Berry,	Richard D. Gholson,	Jefferson Percifull,
Thomas J. Blincoe,	William A. Hooe,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith,
Wallace W. Brown,	Thompson S. Parks,	John J. Thomasson—12.

A resolution from the House of Representatives fixing a day for a final adjournment of the General Assembly, was taken up.

Said resolution reads as follows, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That if the present session of the general assembly be prolonged beyond sixty days from the beginning of the session, that when the general assembly adjourns on the 12th day of January next, it will adjourn sine die.

Mr. Preston moved to amend said resolution by striking out the 12th day of January, and inserting in lieu thereof, the 7th day of January.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Said resolution, as amended, was then concurred in.

On motion of Mr Hooe,

Ordered, That leave of absence, for the remainder of the session, be granted to Mr. Spencer.

And then the Senate adjourned.

THURSDAY, JANUARY 1, 1852.

Mr. McHenry presented the petition of the citizens of Simpsonville, Shelby county, praying the passage of a law extending the town limits of said town.

Mr. Conn presented the petition of sundry citizens of Livingston county, in relation to the traffic in ardent spirits.

Which petitions were received, the reading dispensed with, and referred to the committee on the Judiciary.

Mr. Hardin, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Kentucky Institute for the education of the blind.

Reported the same with an amendment, which was concurred in.

Mr. Lindsey moved an amendment to said bill, which was decided in the negative.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

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The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Walker W. Haley,	Thompson S. Parks,
William J. Berry,	Ben. Hardin,	Jefferson Percifull,
Henry G. Bibb,	James W. Irwin,	William Preston,
Thomas J. Blincoe,	Preston H. Leslie,	James F. Robinson,
William Bradley,	Lewis L. Mason,	John Shawhan,
Abram I. Caldwell,	John G. McFarland,	Thomas J. Smith,
Radford M. Cobb,	Martin D. McHenry,	Shelby Stone,
Joseph S. Conn,	Isaac P. Miller,	John D. Taylor,
John Cunningham,	Reuben Munday,	John J. Thomasson,
John A. Goodson,	James P. Orr,	John C. Walker—30.

In the negative—Richard D. Gholson.

Mr. Hardin, from the same committee, to whom was referred the petition of Messrs. Hines & Carson, asked to be discharged from the further consideration thereof.

Mr. Irwin moved to re-commit said petition, with instructions that the committee report a bill in accordance with the prayer of the petitioners.

And the question being taken on re-committing said petition with instructions, it was decided in the negative.

The question was then taken on discharging the committee, and it was decided in the affirmative.

The speaker laid before the Senate, the annual report of the commissioners of the Lunatic Asylum at Lexington.

[For Report—see Legislative Documents.]

Ordered, That the Public Printer print 1000 copies thereof, 500 for the use of the Senate, and 500 for the use of the Asylum.

Mr. Caldwell, from a select committee, reported a bill for the benefit of the Deaf and Dumb Asylum, at Danville.

Which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be referred to the committee on Finance.

Bills from the House of Representatives of the following titles came up in the orders of the day, viz:

An act for the benefit of George Webster, of the town of Winchester.

An act for the benefit of Travis Daniel.

And the question being taken on ordering said bills to be read a third time, it was decided in the negative. So said bills were disagreed to.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled, an act to incorporate the Kentucky river Navigation Company.

Mr. Percifull moved to lay said bill on the table.

this State since the 24th of February, 1849, to take the oaths required by an act approved that date, was taken up.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Leslie and Stone, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	John Cunningham,	Thompson S. Parks,
William J. Berry,	Richard D. Gholson,	James F. Robinson,
Henry G. Bibb,	John A. Goodson,	John Shawhan,
Thomas J. Blincoe,	Ben. Hardin,	Shelby Stone,
William Bradley,	William A. Hooe,	John D. Taylor,
Wallace W. Brown,	Thomas N. Lindsey,	John J. Thomasson,
Radford M. Cobb,	John G. McFarland,	John C. Walker—23.
Joseph S. Conn,	Martin D. McHenry,	

Those who voted in the negative, were

Abram I. Caldwell, Walker W. Haley, Preston H. Leslie—3.

Resolved, That the title of said bill be as aforesaid.

Bills of the following titles came up in the orders of the day.

1. A bill to provide for and secure the registration of births, deaths, and marriages in Kentucky.

2. A bill to increase the jurisdiction of County Judges.

3. A bill for the benefit of Hester D. Collins.

Ordered, That the 1st bill be made the special of the day for Tuesday next, at 11 o'clock; that the 2nd be laid on the table; and that the 3d be engrossed and read a third time.

The constitutional provision as to the third reading of the 3d bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act fixing the time of holding the Circuit Courts in the 12th Judicial district, was read a third time.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill to increase the jurisdiction of Justices of the Peace, came up in the orders of the day.

Said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That justices of the peace, in this commonwealth, shall hereafter have concurrent jurisdiction with the circuit courts, on all notes, bonds, or accounts, for the payment of money or property, where the amount, exclusive of interest, does not exceed one hundred dollars; and the parties

shall have the same right of appeal from judgments rendered by justices of the peace, in relation thereto, which plaintiffs and defendants now have, on judgments rendered by justices of the peace, and on the same terms and conditions.

Mr. Hardin moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bradley and Smith, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	James W. Irwin,	James F. Robinson,
Abram I. Caldwell,	Thomas N. Lindsey,	Shelby Stone,
John A. Goodson,	Martin D. McHenry,	John D. Taylor,
Walker W. Haley,	Isaac P. Miller,	John J. Thomasson,
Ben. Hardin,	Reuben Munday,	John C. Walker—16.
William A. Hooe,		

Those who voted in the negative, were

William J. Berry,	John Cunningham,	Thompson S. Parks,
Henry G. Bibb,	Richard D. Gholson,	Jefferson Percifull,
Thomas J. Blincoe,	Preston H. Leslie,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith—13.
Radford M. Cobb,		

A bill authorizing free banking in the commonwealth of Kentucky, came up in the orders of the day.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for any number of persons, not less than five, to associate themselves for the purpose of banking, within this commonwealth, in the form and manner, and with the powers and privileges, and subject to the stipulations and restrictions provided in this act.

§ 2. Any five or more persons desiring to form a banking association under the provisions of this act, shall enter into articles of association for any period not less than ten, and not more than twenty years. In said article they shall fix the name of the banking association, and the place of its location, with the number and amount of shares of stock in the same; but no such association shall be formed with a less amount of capital than one hundred thousand dollars, nor more than five hundred thousand dollars; and said articles of association shall be signed by all those desiring to become parties; and they shall set opposite their respective names the number of shares taken by them, respectively, in the association; and when one hundred thousand dollars, or more, shall have been subscribed, it shall be lawful for said subscribers to select their president, and not less than three nor more than seven directors of said bank, and indorse the selection of said article under their hands, and cause said article, with said indorsement, to be acknowledged by the subscribers, or to be proved to be the act of the subscribers, by two witnesses, before the clerk of the county court of the county where the

bank is to be located, and there recorded in a record book to be kept by the clerk for that purpose.

§ 3. It shall be lawful for the president and directors of any such banking association to choose a clerk, cashier, and such other officers and agents as they may require in the transaction of their business, and take from them such bond and security as they may deem proper, and remove the same, from time to time, and to remove all such officers and agents at their will and pleasure, and to choose others in their place and stead.

§ 4. It shall be lawful for said president and directors to receive from the subscribers payment of the amount of stock subscribed by them, in the bonds of the commonwealth of Kentucky, drawing six per cent. per annum interest, or in railroad stocks of the chartered companies of this commonwealth, dividing not less than six per cent. dividends per annum, or in cash, in whole or in part, as shall be agreed in the articles of association; and when the stock so subscribed shall be paid for in full, they shall make affidavit thereof, and cause the same to be recorded with the record of association, and file with the secretary of state of this commonwealth a certified copy of said articles of association, with a copy of the indorsement of who are chosen president and directors, and also with a copy of said affidavit; and the secretary of state shall cause the same to be recorded in a record book to be kept in his office for that purpose; and, thereupon, the governor of this commonwealth shall issue to such banking association a license to bank under this act, and their articles of association, for the period expressed in the article of association; which license the association shall cause to be recorded in the office of the clerk of the county court of the county, with the articles of association, and may then commence.

§ 5. It shall be the duty of the treasurer of this commonwealth to receive from any and all of such banking associations an assignment and deposit of any amount of the bonds of this commonwealth, bearing six per cent. per annum interest, or any amount of the railroad stocks of the chartered companies of this commonwealth, fully paid in, dividing not less than six per cent. per annum, not less than the capital of such banking association; and, thereupon, give a receipt for the same, which shall be presented to the secretary of this commonwealth, and be recorded by him with the articles of association and governor's license; and, thereupon, the treasurer shall sign and deliver to such banking association an amount of bank notes not exceeding sixty dollars on each one hundred dollars of stock so assigned to the commonwealth, and deposited with the treasurer thereof; and it shall be lawful for such banking association to cause such bank notes to be signed by their president and witnessed by their cashier, and issue, and re-issue, and circulate them as bank notes: *Provided*, that no such banking association shall issue or circulate any other bank notes than those provided for in this section, and shall issue and circulate as money no certificates of deposit, or stock, or use any other means of obtaining a circulation upon its credits. The bank notes to be issued under this act shall be payable to the treasurer for the time being, and his name shall be inserted in his own hand writing, and shall be signed by the president, witnessed by the cashier thereof, and shall be in the following form, to-wit: The

bank of _____ promise to pay to _____, treasurer of Kentucky, or bearer, _____ dollars, on demand, at said bank.

§ 6. The stock so assigned to the commonwealth of Kentucky, and deposited with the treasurer, shall stand pledged, first, for the redemption of said bank notes, and then for the other debts and liabilities of the bank, upon the principle of a *pro rata* distribution of the proceeds. And when any such banking association shall fail to redeem the said bank notes, upon demand at their office of discount and deposit, in gold or silver, or the notes of the specie-paying banks of Kentucky, it shall be lawful for the court having chancery jurisdiction in the place where the bank is located, upon petition filed by any person or persons holding five thousand dollars of such bank notes against such bank, to order a sale of so much of said bonds or stock as will pay the same, and so on, from time to time, until the whole circulation shall be redeemed; and upon the petition of other creditors of such banking association, such court may order the sale of a sufficient quantity of said bonds or stock as will pay the circulation and other debts of the bank; and it shall be the duty of the treasurer, upon the order of the court, to deliver such bonds and stock to the commissioner of the court for sale; and it shall be the duty of the court to cause the same to be signed and transferred to the purchaser.

§ 7. All banking associations formed, as provided in this act, shall be incorporated by the name and style agreed upon in the article of association; and by that name and style shall be capable, in law, of contracting and being contracted with, and of suing and being sued, and of discounting promissory notes for payment of money, made negotiable and payable at such banking association, or any other lawfully constituted bank in this commonwealth, and also receiving deposits, and dealing in exchange to the same extent that any legally constituted bank in this commonwealth has power and authority to do; and all promissory notes for the payment of money, and negotiable at such bank, or any other legally constituted bank in this commonwealth; and all such notes, discounted by any such bank, shall be placed on the footing of foreign bills of exchange.

§ 8. Any such banking association may, from time to time, by articles of association signed by their stockholders and new subscribers, enlarge their capital stock by pursuing, in all respects, the mode pointed out for procuring the original banking association; and upon such enlargement, with like evidence of payment, and upon like assignment and deposit of state bonds and stocks, shall, in like manner, be entitled to an additional bank note circulation, as if the enlarged capital had formed part of the original capital.

§ 9. All such banking associations shall pay to the commonwealth of Kentucky, for the benefit of the sinking fund, one-half of one per cent. on the amount of bank-note circulation such association shall entitle itself to, under the provisions of this act, as a bonus to the commonwealth; and shall pay no other taxes except upon other estates, as the bank of Kentucky, and the other banks of this commonwealth; and said bonus shall be paid at the same time the bank of Kentucky is bound to pay the bonus to the commonwealth.

§ 10. All such banking associations may discount notes and bills of

exchange, upon the credit of the parties to the same, and upon the pledge of other promissory notes or bills of exchange, or upon the pledge of stocks or other personal property, or the mortgage of real estate; and when such discounted promissory notes or bills of exchange are not paid, may proceed to sell the pledged security, in accordance with the terms of the pledge, which terms shall be in writing, to authorize a sale without the intervention of a court of chancery, but not mortgaged property.

§ 11. The said banking associations may discount negotiable promissory notes, at the rate of six per cent. per annum, and take the same in advance, upon the principles of Rowlett's interest and discount tables, and not otherwise.

§ 12. The articles of association may settle the time and place of holding elections for president and directors of such banking associations, and the number of votes each subscriber shall have, or the same may be prescribed by the by-laws which the subscribers are authorized, from time to time, to ordain and establish; and the articles of association and the by-laws shall prescribe in what manner meetings of the stockholders are to be called, and the powers of the association and its officers, not contrary to this act.

§ 13. That any and all of such banking associations may be dissolved by decree of a court of chancery, upon the petition of note holders to the amount of five thousand dollars, or upon the petition of other creditors for insolvency, or fraudulent conduct in banking, and they may be dissolved upon the petition of the stockholders for the same causes, or upon the petition of the association itself, after the payment of all its circulation and liabilities.

§ 14. The stock in all such banking associations shall be personal estate, and shall be transferable in such manner as the by-laws shall prescribe; but the banking association shall have a lien upon the stock for all and any demand or demands against the holder, and shall have a right to refuse the transfer until all demands are paid.

§ 15. When a subscriber to any such banking association shall pay his subscription to the same, in the stock of any railroad company incorporated by this state, the fact shall be so stated on the face of the certificate, and that of his assignee, and the holder of such shall be entitled to vote in all the meetings of the stockholders of the railroad company, or as shall be agreed on, in the articles of association, by such banking associations; but such banking association shall have the dividends on all such railroad stock, notwithstanding the transfer to the commonwealth, until such banking association shall fail to redeem its notes and pay its circulation; and, upon petition filed against such banking association, alleging such failure, the court shall have power to order the dividends to be withheld and payment to be made as in other cases in equity.

§ 16. The banks created under this act shall be at the expense of the bank notes authorized by this act, and shall pay the treasurer \$ for each one thousand notes in which he shall insert his name, and he shall take from the cashier of the bank a receipt for the number and amount of each note in which he shall so insert his name for such bank, and have the same recorded with the article of association.

§ 17. It shall be lawful for all such banking associations to present to

the treasurer of this commonwealth, for the time being, a list of such notes as said bank may wish cancelled, by burning, with the number, date, and amount, signed by the president or cashier of such bank; and the treasurer shall cause the list to be verified, by comparing it with the notes, and then cause the notes to be burnt; and, with such president or cashier, certify the fact on said list, and have it recorded in the office of the secretary of state, with the article of association; and, thereupon, it shall be lawful for such treasurer to insert his name in an equal amount of notes for such bank, and take a receipt for the same, and have it recorded in the office of the secretary of state, in the same way as the original receipt for notes is required to be recorded.

§ 18. All such banks shall pay to all the officers of government the usual fees for the services required of them under this act.

The amendment reported by the committee on Banks proposes to add to said bill the following sections, viz:

§ 19. If, at any time, the stocks or bonds which are filed with the treasurer, shall depreciate in current selling value twenty per cent. below par, and shall so be and continue for the space of sixty days, the treasurer shall notify the banking association thereof, and it shall be their duty to make up the depreciation with other stocks, in sixty days thereafter, to be by them lodged and properly assigned with the treasurer, or shall return to the treasurer a proportionable amount of the bank notes he had signed and delivered to such association; which additional stock, or bonds, or bank notes returned, shall be held by the treasurer until the stocks or bonds shall be restored to their par value.

§ 20. Any banking association formed under this act shall be subject to examination by any committee appointed by the legislature, or by any agent or commissioner authorized to be appointed; and they shall be required to make reports at the same times, and in the same way, and to the same office the bank of Kentucky or northern bank are required to report.

§ 21. If any banking association shall fail or refuse to give the additional stock or bonds required by the nineteenth section hereof, or to return the proportionable amount of notes issued, in the time prescribed, it shall be the duty of the treasurer to make publication of the fact in the paper of the public printer, and to notify such banking association that their right to continue their banking privileges has ceased and determined; and if, in thirty days thereafter, the said banking association shall not comply with the foregoing requirements, their corporate powers, so far as banking privileges are concerned, shall cease and determine.

§ 22. After the powers of any banking association, as aforesaid, have ceased and determined, as in section twenty-one hereof, the president, directors, and cashier thereof shall be personally liable for all notes issued or circulated by them thereafter.

Mr. Barnes moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barnes and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	John A. Goodson,	Reuben Munday,
William J. Berry,	Walker W. Haley,	Thompson S. Parks,
Henry G. Bibb,	Ben. Hardin,	Jefferson Percifull,
Thomas J. Blincoe,	William A. Hooe,	James F. Robinson,
William Bradley,	James W. Irwin,	John Shawhan,
Radford M. Cobb,	Preston H. Leslie,	Thomas J. Smith,
Joseph S. Conn,	Lewis L. Mason,	Shelby Stone,
John Cunningham,	John G. McFarland,	John C. Walker—26.
Richard D. Gholson,	Martin D. McHenry,	

Those who voted in the negative, were

Thomas N. Lindsey,	William Preston,	John J. Thomasson—5.
Isaac P. Miller,	John D. Taylor,	

A bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad, and the act amending the same, approved March 20, 1851, came up in the orders of the day.

Ordered, That said bill be made the special order of the day for tomorrow, at 3 o'clock, P. M.

A bill to amend the Code of Practice was taken up.

Ordered, That said bill be made the special order of the day for tomorrow at 11 o'clock.

The Speaker laid before the Senate a communication from the Secretary of State, in relation to the census, which is as follows, viz:

OFFICE OF THE SECRETARY OF STATE, }
January 1, 1852. }

Hon. JOHN B. THOMPSON, *Speaker of the Senate*:

In obedience to a resolution of the Senate, I herewith transmit to that body, through you, an abstract of the seventh census of Kentucky, exhibiting the number of free white inhabitants, slave inhabitants, and representative population of each county in the Commonwealth.

Respectfully,

D. MERIWETHER,

Secretary of State.

SEVENTH CENSUS OF KENTUCKY.

	Free Whites.	Slaves.	Rep. Pop.
Adair, - - - - -	8,193	1,724	9,228
Allen, - - - - -	7,429	1,357	8,242
Anderson, - - - - -	4,991	1,283	5,762
Boyle, - - - - -	5,693	3,424	7,743
Bracken, - - - - -	8,038	830	8,536
Bullitt, - - - - -	5,261	1,709	6,287
Bourbon, - - - - -	7,402	7,072	12,914
Barren, - - - - -	15,654	4,584	18,405

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9,228
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18,405

	Free Whites.	Slaves.	Rep. Pop.
Breckinridge, - - - - -	8,630	2,089	9,884
Boone, - - - - -	9,083	2,105	10,346
Breathitt, - - - - -	3,616	170	3,718
Ballard, - - - - -	4,647	868	5,167
Bath, - - - - -	9,583	2,702	11,303
Butler, - - - - -	5,334	682	5,742
Campbell, - - - - -	11,143	176	11,319
Caldwell, - - - - -	9,989	3,122	11,862
Christian, - - - - -	11,440	8,028	16,256
Clarke, - - - - -	7,830	4,828	10,726
Carroll, - - - - -	4,198	756	4,712
Casey, - - - - -	5,865	779	6,333
Clinton, - - - - -	4,631	262	4,787
Cumberland, - - - - -	5,376	1,467	6,256
Carter, - - - - -	5,986	660	6,382
Crittenden, - - - - -	5,870	850	6,380
Calloway, - - - - -	8,987	975	9,572
Clay, - - - - -	4,906	433	5,167
Daviess, - - - - -	6,427	2,889	8,160
Edmonson, - - - - -	3,742	326	3,937
Estill, - - - - -	5,574	411	5,820
Franklin, - - - - -	9,097	3,366	11,116
Fayette, - - - - -	11,849	10,845	18,344
Floyd, - - - - -	5,460	150	5,560
Fleming, - - - - -	11,753	2,143	13,037
Fulton, - - - - -	3,506	946	4,073
Gallatin, - - - - -	4,433	705	4,856
Graves, - - - - -	9,918	1,443	10,785
Greenup, - - - - -	9,385	606	9,748
Grant, - - - - -	5,995	533	6,316
Grayson, - - - - -	6,517	320	6,709
Garrard, - - - - -	7,059	3,196	8,976
Green, - - - - -	9,450	2,620	11,022
Hopkins, - - - - -	10,238	2,206	11,441
Henderson, - - - - -	7,817	4,390	10,451
Hardin, - - - - -	12,070	2,462	13,547
Hancock, - - - - -	4,915	585	5,266
Henry, - - - - -	13,010	3,100	14,870
Harlan, - - - - -	4,149	123	4,224
Hart, - - - - -	7,712	1,299	8,489
Harrison, - - - - -	9,878	3,185	11,789
Hickman, - - - - -	3,949	841	4,453
Jessamine, - - - - -	6,410	3,742	8,655
Jefferson, - - - - -	48,934	10,919	55,485
Johnson, - - - - -	3,759	30	3,777
Kenton, - - - - -	16,292	830	16,790
Knox, - - - - -	6,496	613	6,863
Larue, - - - - -	5,189	672	5,592
Letcher, - - - - -	2,409	62	2,445
Laurel, - - - - -	3,993	192	4,088
Lincoln, - - - - -	6,782	3,358	8,798
Lewis, - - - - -	6,885	328	7,023
Lawrence, - - - - -	6,144	138	6,226
Logan, - - - - -	11,119	5,502	14,420

	Free Whites.	Slaves.	Rep. Pop.
Livingston, - - - - -	5,460	1,118	6,130
Muhlenburg, - - - - -	8,287	1,521	9,200
Madison, - - - - -	15,725	5,393	18,960
Montgomery, - - - - -	6,831	3,073	8,673
Mercer, - - - - -	10,829	3,264	12,786
Marion, - - - - -	8,675	3,085	10,526
Marshall, - - - - -	4,996	249	5,144
McCracken, - - - - -	5,266	800	5,746
Meade, - - - - -	5,811	1,573	6,754
Monroe, - - - - -	6,925	831	7,374
Morgan, - - - - -	7,435	187	7,546
Mason, - - - - -	14,060	4,291	16,635
Nicholas, - - - - -	8,847	1,513	9,754
Nelson, - - - - -	10,081	5,126	13,156
Owen, - - - - -	8,942	1,514	9,850
Oldham, - - - - -	5,205	2,424	6,659
Ohio, - - - - -	8,633	1,129	9,310
Owsley, - - - - -	3,638	136	3,719
Perry, - - - - -	2,975	117	3,045
Pulaski, - - - - -	12,885	1,319	13,676
Pike, - - - - -	5,269	98	5,328
Pendleton, - - - - -	6,263	509	6,568
Rockcastle, - - - - -	4,322	378	4,548
Russell, - - - - -	4,914	435	5,175
Simpson, - - - - -	5,840	1,935	7,001
Shelby, - - - - -	10,478	6,617	14,449
Scott, - - - - -	9,111	5,737	12,552
Spencer, - - - - -	4,691	2,149	5,980
Todd, - - - - -	7,459	4,829	10,356
Taylor, - - - - -	5,603	1,645	6,590
Trigg, - - - - -	7,336	2,797	9,014
Trimble, - - - - -	5,027	948	5,596
Union, - - - - -	6,720	2,208	8,045
Woodford, - - - - -	6,059	6,377	9,885
Wayne, - - - - -	7,905	914	8,452
Warren, - - - - -	10,805	4,277	13,437
Whitley, - - - - -	7,246	201	7,367
Washington, - - - - -	9,154	3,047	10,982

Ordered, That the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Ellis, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz :

An act to regulate the times of holding the courts of Justices of the Peace.

An act to amend the charter of the Shelby Railroad Company.

An act to change the time of holding the Perry county and quarterly courts.

An act to incorporate Liberty Lodge, No. 126, of Free and Accepted Masons.

Rep. Pop.

6,130

9,200

13,960

8,673

12,786

10,526

5,144

5,746

6,754

7,374

7,546

16,635

9,754

13,156

9,850

6,659

9,310

3,719

3,045

13,676

5,328

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14,449

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An act to authorize the County Court Clerk of Owen to index record books, A. and B., in his office.

An act to change the time of holding the Johnson quarterly and county courts.

An act changing the time of holding the quarterly courts of the county Judge of Henry.

An act for the benefit of John Betts, jailer of Fulton county.

An act declaring the Elk Fork of Sinking and Greasy creeks navigable streams.

An act in relation to the Springfield, Maxville, and Harrodsburg Turnpike Road Company.

An act to punish persons for endangering life by placing obstructions on Railroads.

An act to amend the laws relating to Georgetown.

An act to amend an act, entitled, an act to incorporate and establish the town of Fairview, in Todd and Christian counties.

An act to amend an act, entitled, an act to incorporate the Bank Lick Turnpike Road Company.

An act for the benefit of the Sheriff of Union county.

An act to establish the line between the counties of Knox and Clay.

An act for the benefit of the Florence Academy, in Boone county.

An act to amend an act to enlarge the powers of the trustees of the town of Brandenburg, approved February 18, 1851.

An act authorizing the County Court of Russell county to levy an additional tax in said county.

An act to incorporate the Maysville Literary Institute.

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled, an act further to provide for the collection of tolls on the Kentucky, Green, and Barren rivers.

An act for the benefit of the sheriff of Butler county.

An act incorporating the Newport and Covington Bridge Company.

An act for the benefit of Elizabeth Jones, administratrix of George Jones, deceased.

An act changing the line between Shelby and Oldham counties.

An act for the benefit of Robert Butler, of Simpson county.

An act for the benefit of Samuel T. Ray.

An act to change Magistrates' districts, No. 1, in Crittenden county, and No. 1, in Madison county.

An act authorizing the trustees of Russellville to tax nine and ten pins.

An act changing the lines of Magistrates' and Constables' districts in Harrison county.

An act to change the line of the Burlington and Taylorsport election precinct, in Boone county.

An act to establish a School district in Hancock county.

An act to amend an act establishing Morgantown Seminary, in Butler county.

An act to amend the charter of the Paris and Winchester Turnpike Road Company.

An act to amend an act, entitled, an act to fix the time of holding the Circuit Courts in this Commonwealth.

An act for the benefit of the Sheriffs of Taylor and Cumberland counties.

An act relating to the poll tax in Campbell county.

An act to change the line of a voting district in Logan county, and a justices' district in Boone county.

An act better to define the boundary lines of Todd county.

An act to change the county line between the counties of Grant and Kenton.

An act to change the voting place in district No. 4, in Henderson county.

An act to change the line between districts Nos. 1 and 2, in Lincoln county.

An act concerning the Marshal of the town of Lancaster, and to establish the office of Marshal in the town of Richmond.

An act for the benefit of Hiram Senior, of Union county, and Benjamin R. Briggs, of Ohio county.

And had found the same truly enrolled.

Said bills having been signed by the speaker of the House of Representatives, the speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time Mr. Ellis reported that the committee had performed that duty.

Bills from the House of Representatives of the following titles, were read the first time, viz:

An act to amend the charter of the Louisville and Elizabethtown Railroad Company.

An act to authorize the clerks of the Nelson and Washington County Courts to cross index certain records.

An act to authorize appeals from County Court Judges.

An act to amend an act incorporating the Bardstown Female Academy.

An act for the benefit of John Riley.

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An act to amend an act, entitled, an act prescribing the means and mode of opening and working roads in Boone county.

An act to charter the Hamilton Turnpike Road Company.

An act to incorporate New Castle Division, No. 114, Sons of Temperance.

An act to amend the charter of the Winchester and Paris Turnpike Road Company.

An act authorizing certain counties in this state to subscribe stock in the Henderson and Nashville Railroad Company.

An act to incorporate the Covington Library Association, and to amend an act, approved December, 1830, incorporating the Madison Library Company.

An act authorizing the Judge of the Hart County Court to hold a July term of said court.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 6th, 7th, 9th, and 10th, to the committee on Internal Improvement; the 2d, 3d, and 8th, to the committee on the Judiciary; the 4th and 11th, to the committee on Education; the 12th to the committee on County Courts; and the 5th was ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of the 5th bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A resolution from the House of Representatives relative to inspection of pork, flour and tobacco, in New Orleans, was taken up, twice read, and concurred in.

The Senate took up for consideration the amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act to authorize the county of Henry to subscribe stock in the Louisville and Covington Railroad, which were twice read a concurred in.

And then the Senate adjourned.

FRIDAY, JANUARY 2, 1852.

Mr. Goodson, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

1. An act to incorporate the New Orleans and Ohio Railroad Company.

2. An act to incorporate the Lexington and Big Sandy Railroad Company.

3. An act to amend the charter of the Winchester and Paris Turnpike Road Company.

Reported the same without amendment.

Ordered, That the 1st and 2d bills be read a third time, and the 3d be placed in the orders of the day.

The constitutional provision as to the third reading of the 1st and 2nd bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker from the committee on the Judiciary, to whom were referred bills from the House of Representatives of the following titles, viz :

An act to incorporate the town of Calhoun, in Daviess county.

An act regulating the fees and duties of the sealer of weights and measures in the county of Jefferson.

An act to establish the offices of Police Judge and Town Marshal in the town of Milburn, in Ballard county.

An act to incorporate the Newport Fuel Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act giving the officers and crews, mechanics and others, a lien on steamboats, reported the same with the expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative. So said bill was disagreed to.

Mr. Hardin, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act for the benefit of the Sheriff of Grant county.

An act for the benefit of the Sheriff of Caldwell county.

Reported the same, with an amendment to the last named bill, which was concurred in.

Ordered, That said bills, the last as amended, be read a third time.

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The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, the last as amended, and that the titles thereof be as aforesaid.

Mr. Barnes from the committee on County Courts to whom was referred a bill from the House of Representatives, entitled, an act authorizing the Judge of the Hart County Court to hold a July term of said court, reported the same without amendment.

Mr. Caldwell moved an amendment to said bill, which was adopted

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read, "an act authorizing the Judge of the Hart County Court to hold a July term of said court, and regulating the time of holding the Boyle County Court.

The following bills were reported, viz :

By Mr Irwin, from the committee on Internal Improvement—1. A bill to incorporate the Danville, Somerset, and Knoxville Railroad Company.

By same—2. A bill to charter the Mountsterling and Paris Railroad Company.

By same—3. A bill for the benefit of the Louisville and Oldham Turnpike Road Company.

By same—4. A bill for the benefit of J. W. & J. F. First.

By Mr. Leslie, from the committee on Banks—5. A bill to regulate the execution of bonds by bank officers.

By Mr. Cobb, from a select committee—6. A bill to amend an act, entitled, an act to take the sense of the people of Owsley county for the purpose of changing the county seat of said county.

By Mr. Walker, from the committee on the Judiciary—7. A bill for the benefit of the Police Judge of the towns of Hickman and Owenton.

By same—8. A bill to amend an act incorporating the town of Mountsterling, and to provide for the appointment of a watchman for said town and for the county of Montgomery.

By same—9. A bill to amend an act, entitled, an act to charter the town of Simpsonville in Shelby county.

By Mr. Hardin, from the committee on Finance—10. A bill for the benefit of Green Gill and Isaac Johnson.

By same—11. A bill giving Julius Hacker, sheriff of Owsley county, further time to return his delinquent list.

By Mr. Preston, from a select committee—12. A bill authorizing streets and alleys to be opened in cities.

By Mr. Barnes, from a select committee—13. A bill changing the time of holding the Estill and Franklin Circuit Courts.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the 2d reading of said bills being dispensed with, the 1st, 2d, 4th, 5th, 7th, 8th, 9th, 10th, 11th, and 13th, were ordered to be engrossed and read a third time; the 3d was placed in the orders of the day; the 6th was referred to the committee on Propositions and Grievances; and the 12th to the committee on the Judiciary.

The constitutional provision as to the third reading of the 1st, 2d, 4th, 5th, 7th, 8th, 9th, 10th, 11th, and 13th, being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin from the committee on Finance to whom was referred a bill for the benefit of the Deaf and Dumb Asylum of Kentucky, reported the same with an amendment, which was concurred.

Said bill, as amended, reads as follows, viz :

Whereas, the joint committee from the general assembly to visit the Deaf and Dumb Asylum at Danville, have recommended an appropriation to enable the trustees of said institution to add another school-room to the edifice, the citizens of Danville having offered to give five hundred dollars for that purpose; and also to enable them to employ an additional instructor, both of which are represented by them to be necessary to the efficiency of said institution. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of fifteen hundred dollars, to be paid on the 10th of January, eighteen hundred and fifty-three, be and is hereby appropriated to the trustees of the Kentucky Deaf and Dumb Asylum, to aid them in the building of an additional school-room, for the use of said institution: *Provided*, that the said sum of fifteen hundred dollars, herein appropriated, shall not be drawn from the public treasury until the trustees of said institution of the deaf and dumb, or any three of them who are good and sufficient, and so be adjudged by the governor, shall give bond to the commonwealth of Kentucky, in the penalty of three thousand dollars, to be lodged in the office of the secretary of state, conditioned to erect and build the addition to the buildings already erected to the deaf and dumb, in a good workman-like manner, according to the plan proposed; the balance which may be required to erect said additional building, is not to be drawn out of the public treasury, but to be furnished by the obligors in said bond.

§ 2. *Be it further enacted*, That the annual allowance made by law for the support of the indigent pupils in said institution, be increased from and after the third day of February, one thousand eight hundred and fifty-two, to one hundred and forty dollars for each pupil, to enable the institution to employ an additional instructor.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

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The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	John A. Goodson,	James P. Orr,
Henry G. Bibb,	Walker W. Haley,	Thompson S. Parks,
Thomas J. Blincoe,	Ben. Hardin,	William Preston,
Eli Bozarth,	William A. Hooe,	James F. Robinson,
William Bradley,	James W. Irwin,	John Shawhan,
Abram I. Caldwell,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	Thomas N. Lindsey,	John J. Thomasson,
John Cunningham,	Martin D. McHenry,	John C. Walker—25.
Ira Ellis,		

Those who voted in the negative, were

William J. Berry, Thomas J. Smith.—2

The Speaker laid before the Senate a communication from the Auditor, in relation to the Lunatic Asylum.

Said communication was taken up and read as follows, viz :

AUDITOR'S OFFICE, FRANKFORT,
January 2d, 1852. }

JOHN B. THOMPSON, Esq.,

Lieutenant Governor, and Speaker of the Senate:

I herewith submit a statement of the accounts of the Lunatic Asylum, for the year 1851.

I am, very respectfully,

THO. S. PAGE, Auditor.

[For settlement—see Legislative Documents.]

Ordered, That the Public Printer print 150 copies of said communication and accompanying documents for the use of the members of the General Assembly.

Mr. Thomasson, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz :

An act to amend an act, entitled, an act to incorporate the Crab Orchard and Crews' Knob Turnpike Road Company.

An act to provide for the erection of a suitable monument over the grave of Col. Thos. Dollerhide.

An act to amend the charter of the Newport Safety Fund Bank of Kentucky.

An act to provide for the completion of the 2d Kentucky Lunatic Asylum.

An act for the benefit of the town of Princeton.

An act to change certain districts and precincts in Lawrence county.

An act for the benefit of William Richards, of Bath county.

An act for the benefit of George F. Hickman.

An act to amend the charter of the city of Lexington.

An act to change the time of holding the Garrard county and quarterly courts.

An act for the benefit of James E. Gardner, of Butler county.

An act to establish an April and July term of the Breckinridge County Court.

An act to change the place of voting from the house of Sarah Bates to the mouth of Mill Stone, in Letcher county.

An act to change the time of holding the quarterly terms of the County Judge of Daviess county.

An act for the benefit of the Sheriffs of Todd, Pulaski, and Green counties.

An act to extend the town limits of Shepherdsville.

An act to incorporate the Cynthiana Female Academy.

An act to incorporate the Coal Haven Manufacturing Company.

An act to incorporate the Coal Haven Coal Mining Company, of Daviess county.

An act to establish Tobacco Inspections in the city of Louisville.

An act to amend the charter of the Kentucky Trust Company Bank.

An act to amend the law in relation to working the public highways in the county of Mason.

An act regulating the time of holding Magistrates' courts in Barren county.

An act to amend an act, entitled, an act for the benefit of the heirs of James and Matthew Wakefield.

An act to charter Brooksville Lodge, No. 154, of Free and Accepted Masons.

An act establishing an additional Magistrates' and Constables' district in Hancock county.

An act for the benefit of Common Schools in Estill county.

An act supplemental to the act incorporating the Commercial Bank of Paducah.

An act to amend the charter of the town of Danville.

An act for the benefit of the Sheriff of Kenton county.

An act for the benefit of the Sheriff of Oldham county.

And had found the same truly enrolled.

Said bills having been signed by the speaker of the House of Representatives, the speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Thomasson reported that the committee had performed that duty.

The Senate, according to order, took up for consideration a bill to amend the Code of Practice, with the amendments proposed by the committee.

The first section of the 10th chapter of said bill reads follows, viz :

The manner of proving wills and contesting their probate shall be as directed in chapter 3, of the revised statutes, except that a petition in equity shall be filed, wherever a bill in chancery is directed therein.

The amendment proposed by the committee to said section of the bill, reads as follows, viz :

After the word "therein," insert the words, "in jury trial in probate cases, it shall be the duty of the court, on the motion of either party, to charge the jury upon the law and evidence, informing the jury, in such charge, that upon questions of fact they are the exclusive judges.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Preston, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Isaac P. Miller,	James F. Robinson,
William Bradley,	William Preston,	Thomas J. Smith—7.
Richard D. Gholson,		

Those who voted in the negative, were

Sidney M. Barnes,	Walker W. Haley,	James P. Orr,
Henry G. Bibb,	Ben. Hardin,	Thompson S. Parks,
Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
Eli Bozarth,	James W. Irwin,	John Shawhan,
Wallace W. Brown,	Preston H. Leslie,	Shelby Stone,
Radford M. Cobb,	Thomas N. Lindsey,	John D. Taylor,
John Cunningham,	John G. McFarland,	John J. Thomasson,
John A. Goodson,	Martin D. McHenry,	John C. Walker—24.

The 5th section of the 1st article of the 4th chapter of said bill reads as follows, viz :

"When the matter in controversy does not exceed fifty dollars, the pleadings in actions shall not be regulated by the code, but may be oral, and without verification."

The amendment proposed by the committee to said section of the bill is as follows, viz :

"Strike out all that part of the section printed in italics.

The question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gholson and Berry, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Richard D. Gholson,	William Preston—4.
Thomas J. Blincoe,		

Those who voted in the negative, were

Sidney M. Barnes,	Ben. Hardin,	Isaac P. Miller,
Henry G. Bibb,	William A. Hooe,	Thompson S. Parks,
Eli Bozarth,	James W. Irwin,	James F. Robinson,
William Bradley,	Preston H. Leslie,	John Shawhan,
Wallace W. Brown,	Thomas N. Lindsey,	Shelby Stone,
Radford M. Cobb,	John G. McFarland,	John D. Taylor,
John A. Goodson,	Martin D. McHenry,	John C. Walker—22.
Walker W. Haley,		

Said bill was amended.

And then the Senate adjourned.

SATURDAY, JANUARY 3, 1852.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act to amend the charter of the Covington and Lexington Railroad Company.

An act to amend an act, entitled, an act to incorporate the Georgetown and Louisville Branch Railroad.

An act to revise the statute laws of this state.

With amendments to the last named bill.

That they had passed a bill, entitled, an act fixing the time of holding the Court of Claims in Fayette county, and certain terms of the Jessamine County Court.

The following petitions were presented, viz:

By Mr. Miller—1. The petition of sundry citizens of Jefferson county, praying an amendment to the charter of the Oakland Plankroad Company.

By Mr. Brown—2. The petition of sundry citizens of Morgan county, praying the passage of an act for the benefit of Henry J. Spradlin.

Which petitions were received, the reading dispensed with, and referred—the 1st to the committee on Internal Improvement; and the 2d to the committee on Propositions and Grievances.

Mr. Miller, from the joint committee to visit the institution of the Blind at Louisville, made the following report, viz:

The committee appointed to visit the Kentucky institution for the education of the blind, for the purpose of examining into the condition of the school, beg leave respectfully to report:

In obedience to the resolution of the legislature, your committee proceeded to Louisville, and called at the school for the blind. No preconcerted arrangements were made with the officers of the institution. The appearance of the committee in the school rooms was the first intimation to the officers of the visit. The committee found the superintendent and the teachers of the institution busily engaged with the pupils in the discharge of their duties, and heard the children in their recitations. It was with more than ordinary gratification that we found the children making large acquisitions of useful knowledge, under the beneficent endowments of the commonwealth. They read, write, and acquire arithmetic, music, geography, grammar, and history, with facility and accuracy; and it is doubtful whether any pupils in any school in the state could, in the same period, that has been devoted to the education of these children, pass a more creditable examination. They were examined before the committee in matters upon which there had been no special preparation, and they answered all questions with great readiness and accuracy.

It was pleasing to witness these results of the enlightened benevolence of the commonwealth in removing the obstacles to the acquisition of education that misfortune had thrown across the path of these children. Instead of being doomed to hopeless ignorance, deplorable dependence, and to a reliance on county levies for a support in wretched pauperism, under the enlarged philanthropy of the state of Kentucky, these children are making respectable advances in education, and in training for useful occupations in society. A great deal of pains is taken in the education of these children, to inculcate upon them, in every possible way, the great value of self-reliance; and this is taught them in so many various ways, that it is astonishing to see the performances of these blind children, after they have been even for a short time under the training of their instructors. The services of the school, in the enlargement of the intellect of the blind children, with the limited resources in the hands of the teachers, are eminently creditable to all the parties concerned in the teaching department. The success has been so great, thus far, that the commonwealth should, from time to time, as necessities may arise, enlarge the usefulness of this school; for there is not an eleemosynary institution of Kentucky that is more creditable to it.

In addition to the intellectual progress of the pupils, the committee were gratified to see with what perfectness the blind children are taught various kinds of handicraft. The girls are taught a great many useful and ornamental kinds of net-work, bead-work, and various things of the kind, and their work would compare favorably with any made by seeing children. They also make mattresses, and, in various ways, are taught to look to the labor of their own hands for a support. Those who may order mattresses from the city of Louisville, should direct their orders to this state institution. They can procure as good an article there as in any part of the city, on at least as favorable terms; and all orders of the kind materially assist in strengthening the resources of the work-shop of this state institution, and aid the children in acquiring useful trades.

Your committee would beg leave to suggest the propriety of enlarging the resources of the work-shop. The boys are mainly instructed in mattress and brush making, and these employments they perform remarkably well. But, with a little additional capital, various other kinds of handicraft may be taught; and it is important that these children of misfortune should be well prepared for making a livelihood. Palliasses of palm-leaf, cushions of various kinds, spiral spring mattresses, the preparation of crash, diaper, and damask towels, satchels, traveling bags, entry mats of cocoa nut fibre, with colored worsted borders, heavy worm mats for public buildings, open work fibre mats, &c., are articles that will sell

readily, and the art of making them may be easily taught in the institution, without any very great increase in the expenses of the shop. That department very nearly supports itself now, and, by adding to the variety of its fabrics, in the articles we have named, its usefulness to the blind children and to the community may be increased very considerably.

The affairs of the school are well-managed. The superintendent possesses the confidence of the trustees, and discharges his arduous duties with zeal and fidelity. The various teachers of the school seem to be fully alive to the responsible trusts committed to their hands; and the trustees have been so peculiarly fortunate in getting proper teachers, that they have never found it necessary yet to dismiss any teacher from the school. All the funds devoted to the school are carefully supervised by the trustees, and no expenditures are made except by a vote of the board of trustees. The smallest sum, even, cannot be drawn from the treasury, except by an order of the board, indorsed by the president. And throughout the entire career of the school, it has been conducted on the most economical plan—so much so, that committees of this body, after personal investigation, have interposed, and urged upon the legislature appropriations beyond those asked by the trustees.

We again repeat the expression of our satisfaction with the management of the education of these blind children. The institution well deserved the patronage of the state heretofore bestowed on it, and its merits plead loudly for a continuance and an enlargement of this patronage.

On the night of the 29th September, during a long continued drought, the edifice of the institution for the blind was burned to the ground, and a portion of the school apparatus, of the musical instruments, and of the furniture was burned. But the operations of the school were scarcely interrupted. The board of trustees at once applied to the trustees of the university of Louisville for the use of the university building, and its use was liberally granted, on condition that the trustees of the blind school should insure the building. This was promptly done, and the pupils were removed to the large and commodious edifice known as the university building. The building will do very well for temporary use; but the trustees should be empowered, as soon as possible, to construct another building for the blind. The trustees have reported to this body the reasons that induce them to desire more ground for the institution, and we cannot do better than to present the following extract from the report of the trustees for the blind, made to the present general assembly:

"Various liberal offers of land for the site of the institution have been made to the trustees; among which, an offer of Messrs. E. P. Pope and W. P. Boone, commends itself to our judgment as the most eligible one that has been proposed. These gentlemen liberally offer to donate to the institution eight acres of land, in West Louisville, a short distance from this city, and accessible by a good road, which will soon be improved. The site is on a high and beautiful ridge of land, in a healthy location, on the bank of the Ohio.

"In addition to this donation, these gentlemen propose to sell to the institution two acres for seven hundred and fifty dollars, and to donate two and a half acres for a railroad depot; and we hope to construct, at some future time, under the charter granted by the general assembly in the year 1844, a railroad from the city of Louisville to a point on the Ohio river contiguous to the proposed site of the institution. The construction of this road will, it is believed, aid materially in the support of the school."

Your committee personally inspected the locality mentioned in the report of the trustees, and examined other offers, and they are satisfied that the choice made by the trustees is much the best, as far as we are able to form a judgment. The land selected by the trustee must rapidly appreciate in value, and will ultimately be a very profitable investment for the state. The land originally purchased by

the trustees is now worth a great deal more than it cost. The sale of this land, the insurance upon the building, and an appropriation of ten thousand dollars is asked by the board of trustees. But we think it would be well to purchase fifteen acres, instead of ten, and that an appropriation of fifteen thousand dollars should be made, in order to make the blind institution of Kentucky compare favorably with institutions of a similar character in other western states. Ohio, Tennessee, Missouri, Illinois, and Indiana have each an institution for the blind, and those states have made liberal appropriations for their education. Kentucky is not in the habit of being a laggard in any great, good, or useful work; and her blind school has given so many multiplied proofs of its great utility, that no one now looks upon it as an experiment, but all regard it as one of the principal of the philanthropic objects of an enlightened and religious civilization.

We also ask of the legislature a re-enactment of the law appropriating three thousand dollars per annum for the support of the blind school. That law will expire before another legislative meeting, and we recommend a renewal of it.

We commend to the attention of the legislature the necessity of an early grant of power to the trustees of the blind school to sell the land belonging to the institution for the blind, lying on the south side of Broadway, between first and second streets, in Louisville. And we further recommend that full power shall be given to these trustees to invest the proceeds of the sale of that land, the insurance money on the building recently burned, and the appropriation made by the present legislature, in such land and buildings as may be deemed by the trustees most eligible for the uses of the school, provided such investment is made in the name of the commonwealth of Kentucky. If the building is to be commenced in the spring, arrangements should soon be made for making the brick.

Finally, we commend to the beneficence of the general assembly, the Kentucky institution for the blind. It is altogether worthy of their care, and is in every way creditable to the enlightened philanthropy that originally called it into existence.

I. P. MILLER, *Chm'n Senate Com.*

JOSEPH S. CONN,

SHELBY STONE,

W. C. WEBSTER, *Chm'n H. R. C.*

DRURY TYE,

B. MUSSELMAN,

J. C. WILMORE,

GREEN STERRET.

Ordered, That the Public Printer print 150 copies of said report for the use of the members of the General Assembly.

Mr. Irwin, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

1. An act to amend the charter of the Louisville and Elizabethtown Railroad Company.

2. An act to incorporate the Licking River Navigation Company.

Reported the same without amendment.

Ordered, That the 1st be read a third time, and that the 2d be placed in the orders of the day.

The constitutional provision as to the third reading of the 1st bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bradley, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to change the mode of working roads in Daviess county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Taylor, from the committee on Education, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to amend an act incorporating the Bardstown Female Academy.

An act to incorporate the Covington Library Association, and to amend an act, approved December, 1830, incorporating the Madison Library Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the committee on Finance, reported a bill for the appropriation of money.

Which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Lindsey moved to amend said bill in the — section by striking out in the — section, the word seven, and inserting in lieu thereof, the word ten; and in the — section, by striking out the word six, and inserting in lieu thereof, the word seven; and in the — section, by striking out the word three, and inserting in lieu thereof, the word four; and in the — section, by striking out the word three, and inserting in lieu thereof the word four.

The question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Lindsey, were as follows, viz:

Those who voted in the affirmative, were

Henry G. Bibb,	John A. Goodson,	Jefferson Percifull,
Thomas J. Blincoe,	William A. Hooe,	William Preston,
Abram I. Caldwell,	Thomas N. Lindsey,	James F. Robinson,
Joseph S. Conn,	Martin D. McHenry,	John D. Taylor,
Ira Ellis,	Isaac P. Miller,	John C. Walker—15.

Those who voted in the negative, were

Sidney M. Barnes,	Ben. Hardin,	Thompson S. Parks,
William J. Berry,	James W. Irwin,	John Shawhan,
Eli Bozarth,	Preston H. Leslie,	Thomas J. Smith,
William Bradley,	John G. McFarland,	John J. Thomasson—13.
Richard D. Gholson,		

Mr. Irwin moved the following amendment as an additional section to said bill.

That the sum of \$5,000 is hereby appropriated for the support of lunatics in the asylum at Hopkinsville, provided the same shall go into operation under the same restrictions as those imposed on the expenditures at Lexington, Kentucky.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question being taken on the passage of said bill, as amended, it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Ben. Hardin,	Thompson S. Parks,
Henry G. Bibb,	William A. Hooe,	Jefferson Percifull,
Thomas J. Blincoe,	James W. Irwin,	William Preston,
Abram I. Caldwell,	Thomas N. Lindsey,	James F. Robinson,
Radford M. Cobb,	John G. McFarland,	John D. Taylor,
Joseph S. Conn,	Martin D. McHenry,	John J. Thomasson,
Ira Ellis,	Isaac P. Miller,	John C. Walker—22.
John A. Goodson,		

Those who voted in the negative, were

William J. Berry,	Richard D. Gholson,	John Shawhan,
Eli Bozarth,	Preston H. Leslie,	Thomas J. Smith—7.
William Bradley,		

Resolved, That the title of said bill be as aforesaid.

The following bills were reported, viz :

By Mr. Irwin, from the committee on Internal Improvement—A bill for the benefit of the Louisville and Oldham Turnpike Road Company.

By Mr. Hardin, from the committee on Finance—A bill for the benefit of the sheriff of Mason county.

By same—A bill for the benefit of James M. Todd, sheriff of Lewis county.

By same—A bill for the benefit of William S. Parker, late sheriff of Lewis county.

By Mr. Barnes, from the committee on County Courts—A bill for the benefit of Samuel W. Wood.

By Mr. Irwin, from the committee on Internal Improvement—A bill to authorize the Oakland Plank Road Company to construct a branch road.

By Mr. Bradley, from the committee on Propositions and Grievances—A bill to authorize the trustees of the town of Uniontown to license coffee houses

By Mr. Taylor, from the committee on Education—A bill to incorporate the Baptist Church of Lancaster, Garrard county.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Taylor, from the committee on Education, to whom was referred the petition of John Lewis and others, in relation to the propriety of submitting to a vote of the people of this state the proposition of imposing a tax of three cents on the hundred dollars worth of property, asked to be discharged from the further consideration of said petition.

Mr. Stone moved to re-commit it to the committee, with instructions that they report a bill in accordance with the prayer of the petitioners.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Stone and Brown, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Abram I. Caldwell,	Martin D. McHenry,
William J. Berry,	Radford M. Cobb,	Jefferson Percifull,
Eli Bozarth,	Joseph S. Conn,	Shelby Stone—11.
Wallace W. Brown,	Thomas N. Lindsey,	

Those who voted in the negative, were

Henry G. Bibb,	James W. Irwin,	James F. Robinson,
Thomas J. Blincoe,	Preston H. Leslie,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith,
John A. Goodson,	Isaac P. Miller,	John D. Taylor,
Ben. Hardin,	Thompson S. Parks,	John C. Walker—17.
William A. Hooe,	William Preston,	

On motion of Mr. Stone, leave was given to bring in a bill changing the time of holding the quarterly terms of the County Judge of Wayne county.

Ordered, That the committee on County Courts prepare and bring in the same.

The Senate took up for consideration the amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act to revise the statute laws of this state.

Ordered, That said bill and amendments be referred to the committee on the Judiciary.

A message was received from the Governor by Mr. Metcalfe, Assistant Secretary of State, announcing that he had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz :

An act for the benefit of B. G. Dudley.

An act to incorporate the Independent Fire Company, Washington No. 1, of Maysville and suburbs.

An act to amend an act, entitled, an act to incorporate the Lexington and Danville Railroad Company, approved March 5, 1850.

An act to establish the Enterprise Tanning and Leather Manufacturing Company, of the county of Lewis.

An act for the benefit of William Davis, a former Sheriff of Whitley county.

An act to create the offices of Police Judge and Marshal of the town of Rumsey.

An act dispensing with commissions to certain officers in this commonwealth.

An act to change the time of holding the Logan and Campbell county quarterly courts, and the county courts of Barren county.

Approved Dec. 27, 1851.

An act to amend an act, entitled, an act to incorporate the Bank Lick Turnpike Road Company.

An act to change the time of holding the Johnson quarterly and county courts.

An act to punish persons for endangering life by placing obstructions on Railroads.

An act to amend an act to enlarge the powers of the trustees of the town of Brandenburg, approved February 18, 1851.

An act to amend an act, entitled, an act to incorporate and establish the town of Fairview, in Todd and Christian counties.

An act to establish the line between the counties of Knox and Clay.

An act concerning the court of claims in Shelby county.

An act changing the time of holding the quarterly courts of the county judge of Henry.

An act to change the time of holding the Perry county and quarterly courts.

An act for the benefit of the Sheriff of Union county.

An act for the benefit of the Florence Academy, in Boone county.

An act to authorize the County Court Clerk of Owen to index record books, A. and B., in his office.

An act to amend the laws relating to Georgetown.

An act to amend the charter of the Shelby Railroad Company.

An act to regulate the times of holding the courts of Justices of the Peace.

An act for the benefit of John Betts, jailer of Fulton county.

An act in relation to the Springfield, Maxville, and Harrodsburg Turnpike Road Company.

An act declaring the Elk Fork of Sinking and Greasy creeks navigable streams.

An act authorizing the County Court of Russell county to levy an additional tax in said county.

An act to incorporate Liberty Lodge, No. 126, of Free and Accepted Masons.

An act to incorporate the Maysville Literary Institute.

Approved January 1, 1852.

Mr. Ellis, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz :

An act to incorporate Pleasant Green Division No. 252, in Trimble county.

An act for the benefit of Samuel P. Lasley, and Mary his wife.

An act for the benefit of the Covington and Lexington Railroad Company.

An act concerning certain public books.

An act to re-establish a portion of the line between the counties of Hickman and Graves.

An act to incorporate the Louisville Farmers Tobacco Warehouse Company.

An act to establish an additional Justices' district and election precinct in Nicholas county.

An act for the benefit of Common School district No. 34, at Petersburg, Boone county.

An act to establish the town of Stylesville, in Pulaski county.

An act to incorporate the Owingsville and Poplar Plains Turnpike Road Company.

An act to amend an act regulating the town of Salvisa, in Mercer county, approved February 9, 1828.

An act to amend an act, to establish the town of Brooklyn, in Campbell county, approved Feb. 27, 1849.

An act to change lines of the Justices' and Constables' districts Nos. 1 and 3, in Green county.

An act to create an additional Constable's and Justices' district in Hickman county.

An act further to regulate the town of Mount Gilead in Pulaski county.

An act to change the boundaries of certain election precincts in Trigg county, and for other purposes.

An act to authorize the Russell County Court to sell clerk's office furniture.

An act to divide Hopkins county into seven Magistrates' and Constables' districts and election precincts.

An act to authorize the county of Graves to hold railroad stock.

An act to enlarge Magistrates' and Constable's district No. 2, in Hopkins county.

An act to incorporate the town of Sparta, in Owen county.

An act for the benefit of George S. Gravit, late sheriff of Grant county.

An act to incorporate the Commercial Bank of Paducah.

An act for the benefit of Samuel Woodson, late clerk of the Hopkins Circuit Court.

An act to amend an act, entitled, an act to provide for the sale of island No. 4, in the Mississippi river, approved Feb. 29, 1848.

An act to add the residence of George Spegall, in Pendleton county, to the county of Kenton.

An act to change the time of holding the Justices' courts in Bracken county.

An act to authorize the County Court of Simpson to take and hold stock in a railroad or railroads.

An act to incorporate the Franklin Female Institute.

An act for the benefit of Monroe county.

An act establishing additional voting places in Kenton and Campbell counties.

An act to incorporate the Owingsville and Mt. Sterling Turnpike Road Company.

An act for the benefit of Common School districts in this commonwealth.

An act to establish an election precinct at Keysburg, in Logan county.

And enrolled bills which originated in the House of Representatives, of the following titles, viz :

An act to give additional power to the Madison County Court.

An act to incorporate the town of New Haven.

An act concerning the public records of the Bracken County Court.

An act to fix the time of holding the Circuit Courts in the 8th Judicial district.

An act to charter Union Lodge, No. 10, I. O. O. F., Nicholasville.

An act to amend the charter of the Perryville and Springfield Turnpike Road Company.

And had found the same truly enrolled.

Said bills having been signed by the speaker of the House of Representatives, the speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Ellis reported that the committee had performed that duty.

The Senate resumed the consideration of the bill to amend the Code of Practice.

An amendment proposed by the commissioners is as follows, viz :

That chapter seven of title seven be amended, by adding to the end of section one hundred and sixty-nine, these words : "nor to petitions in actions founded on a note, bond, bill of exchange, mortgage, or other written obligation of the defendant for the payment of money or property."

Mr. McHenry moved the following as an amendment to the amendment proposed by the commissioners.

Strike out from the words "that chapter," down to the word "property," inclusive, and insert in lieu thereof, "section one hundred and sixty-eight of the code of practice is hereby repealed," and the following section enacted in lieu thereof.

"Every pleading must be verified by the party or his attorney. Every answer to a petition in equitable proceedings shall be verified by the oath of the defendant, that the statements therein made, as of his own knowledge, are true, and those made from information he believes to be true. Every answer to a petition, or reply to a counter claim, in ordinary proceedings founded on a writing, which presents the defence of *non est factum*, or a want of consideration, or a partial or total failure of consideration, or questions the validity of an alleged assignment, shall be verified by the oath of the party. Any party, plaintiff or defendant, either in equitable or ordinary proceedings, may require the adverse party to respond on oath to any pertinent interrogatories ; but no cause shall be continued for want of such response, unless the court shall deem the grounds for continuance sufficient.

Mr. Preston moved a division of the question.

The question was then taken on striking out, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Preston and Brown, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,
Henry G. Bibb,
Thomas J. Blincoe,
Joseph S. Conn,
Ira Ellis,
John A. Goodson,

Ben. Hardin,
William A. Hooe,
Preston H. Leslie,
Thomas N. Lindsey,
John G. McFarland,

Martin D. McHenry,
James P. Orr,
Shelby Stone,
John D. Taylor,
John C. Walker—16.

Those who voted in the negative, were

William J. Berry,	John Cunningham,	Thompson S. Parks,
William Bradley,	Richard D. Gholson,	Jefferson Percifull,
Wallace W. Brown,	James W. Irwin,	William Preston,
Abram I. Caldwell,	Isaac P. Miller,	John Shawhan—12.

Mr. Leslie moved the previous question.

And the question being taken, "shall the main question be now put?" and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Leslie and Berry, were as follows, viz:

Those who voted in the affirmative, were

William J. Berry,	Ira Ellis,	John G. McFarland,
Thomas J. Blincoe,	Richard D. Gholson,	Jefferson Percifull,
Eli Bozarth,	John A. Goodson,	William Preston,
Wallace W. Brown,	James W. Irwin,	John Shawhan,
John Cunningham,	Preston H. Leslie,	Thomas J. Smith—15.

Those who voted in the negative, were

Sidney M. Barnes,	William A. Hooe,	Thompson S. Parks,
Henry G. Bibb,	Thomas N. Lindsey,	Shelby Stone,
William Bradley,	Martin D. McHenry,	John D. Taylor,
Abram I. Caldwell,	Isaac P. Miller,	John J. Thomasson,
Joseph S. Conn,	James P. Orr,	John C. Walker—16.
Ben. Hardin,		

Mr. Preston moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Preston and Caldwell, were as follows, viz:

Those who voted in the affirmative, were

William Bradley,	James W. Irwin,	Jefferson Percifull,
Wallace W. Brown,	Preston H. Leslie,	William Preston,
Abram I. Caldwell,	Isaac P. Miller,	Thomas J. Smith,
John Cunningham,	Thompson S. Parks,	John J. Thomasson—13.
Richard D. Gholson,		

Those who voted in the negative, were

Sidney M. Barnes,	John A. Goodson,	James P. Orr,
William J. Berry,	Ben. Hardin,	John Shawhan,
Henry G. Bibb,	William A. Hooe,	Shelby Stone,
Thomas J. Blincoe,	Thomas N. Lindsey,	John D. Taylor,
Eli Bozarth,	John G. McFarland,	John C. Walker—17.
Joseph S. Conn,	Martin D. McHenry,	

The question was then taken on inserting the amendment proposed by Mr. McHenry, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Preston and Brown, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Ben. Hardin,	Isaac P. Miller,
Henry G. Bibb,	William A. Hooe,	James P. Orr,

Thomas J. Blincoe,
Abram I. Caldwell,
Joseph S. Conn,
John A. Goodson,

Preston H. Leslie,
Thomas N. Lindsey,
John G. McFarland,
Martin D. McHenry,

Shelby Stone,
John D. Taylor,
John J. Thomasson,
John C. Walker—18.

Those who voted in the negative, were

William J. Berry,
William Bradley,
Wallace W. Brown,
John Cunningham,

Richard D. Gholson,
James W. Irwin,
Thompson S. Parks,
Jefferson Percifull,

William Preston,
John Shawhan,
Thomas J. Smith—11.

A message in writing was received from the Governor, by Mr. Metcalfe, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
January 3d, 1852. }

Gentlemen of the Senate:

I nominate, for your advice and consent, W. C. Wood, to be notary public for the county of Jefferson; James Kelly, to be notary public for the county of Kenton; John W. Cardwell, notary public for the county of Mercer.

L. W. POWELL.

Resolved, That the Senate advise and consent to said appointments.

And then the Senate adjourned.

MONDAY, JANUARY 5, 1852.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to a bill from that House, entitled, an act for the benefit of the Louisville and Covington Railroad Company, with an amendment to said bill.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act making additional voting places in districts Nos. 3 and 7, and changing the place of voting, in district No. 4, in Greenup county.

An act for the benefit of John Bell, Jr.

An act for the benefit of the town of Dycusburg, in Crittenden county.

An act to incorporate the Kentucky River Navigation Company.

An act to incorporate the Nashville and Cincinnati Railroad Company.

An act to authorize the County Court of Harrison county to borrow money.

An act for the benefit of the Sheriff of Bath county.

An act for the benefit of the Sheriff of Caldwell county.

An act authorizing the Judge of the Hart County Court to hold a July term of said court, and regulating the time of holding the Boyle county court.

That they had passed bills from the Senate of the following titles, viz :

An act to provide for an additional Magistrates' and Constable's district No. 9, in Caldwell county

An act for the benefit of the administrators of Dixon Givens, deceased.

An act supplemental to an act, entitled, an act to amend an act, entitled, an act to charter the Louisville Railroad Company, approved, March 5, 1850, and for other purposes.

An act to establish and incorporate the town of Bloomington in Franklin county.

An act for the benefit of School district No. 29, in Owen county.

An act for the benefit of School districts Nos. 28 and 29, in Mercer county.

An act calling a convention in the city of Newport.

An act to authorize the County Court of Daviess, and other counties, to subscribe stock in the Louisville and Mississippi Railroad Company, and in the Louisville and Nashville Railroad Company.

An act to incorporate the Frankfort Turnpike Company.

An act to amend an act incorporating certain turnpike road companies in the county of Garrard.

An act for the benefit of the clerk of the Hardin Circuit Court.

An act to amend an act, entitled, an act to charter the town of Simpsonville, in Shelby county.

An act for the benefit of the Louisville and Oldham Turnpike Road Company.

An act giving Julius Hacker, sheriff of Owsley county, further time to return his delinquent list.

An act to authorize the Oakland Plankroad Company to construct a branch road.

That they had concurred in a resolution from the Senate, authorizing the clerks to employ assistants.

That they had passed bills of the following titles, viz :

An act to remove the seat of justice in the county of Washington.

An act for the benefit of the Fleming County Court.

An act to establish an additional Justices' district, No. 7, in McCracken county.

An act to change the time of holding the Laurel quarterly court.

An act to incorporate the Paducah Farmers Tobacco Warehouse.

An act to incorporate the Peoples' Turnpike Road Company.

An act for the benefit of the town of Danville.

An act to incorporate the Daniel Boone Division, No. 35, Sons of Temperance.

An act to incorporate Herman Lodgo, I. O. O. F. of Louisville.

An act to incorporate North Middletown Royal Arch Chapter, No. 26, and Morrison Lodge, No. 103, of Free and Accepted Masons.

An act to authorize the County Court of Bracken to discontinue the state road from Augusta to Brooksville.

An act to amend the charter of the Augusta, Cynthiana, and Georgetown Turnpike Road Company.

An act to grant certain privileges to the Dutch Ridge Company.

An act to change the boundary of Magistrates' and Constable's district No. 4, in Breckinridge county.

An act for the benefit of the city of Newport.

An act for the benefit of the Gallatin and Common School district No. 1, in Carroll county.

An act to charter the Lexington and Kentucky river Railroad Company.

An act to change the boundary line of Justices' district No. 8, Daviess.

An act for the benefit of the Maysville and Mountsterling Turnpike Road Company.

An act to amend the charter of the Frankfort and Lawrenceburg Turnpike Road Company.

An act for the benefit of George W. Lewis.

An act to change the voting place in district No. 3, in Hart county.

An act for the benefit of district No. 4, in Grant county.

An act to extend the corporate limits of the town of Henderson, in Henderson county.

An act to establish an additional Justices' and Constables' district, and election precinct, in Jefferson county.

An act declaring Robinson's creek a navigable stream.

An act to charter the Mountsterling and Virginia Turnpike Road Company.

An act for the benefit of Harry Stratton.

An act for the benefit of G. W. Mays.

That they had received official information from the Governor, that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz :

An act to empower the city of Newport to convey lot No. 3, in said city.

An act to amend an act incorporating the Richmond Cemetery Company.

An act to extend the corporate limits of the city of Newport.

An act to charter the town of Mount Olivet, in Nicholas and Bracken counties.

An act to allow an additional term of the Harrison Circuit Court.

An act for the benefit of School district No. 20, in Crittenden county.

An act for the benefit of the Kentucky School of Medicine.

An act to change the time of meeting of the General Assembly.

An act for the benefit of H. Woodyard, late sheriff of Grant county.

An act to repeal an act, entitled, an act to amend the road law in Pendleton county, approved February 25, 1851.

An act to change a place of voting in Muhlenburg county.

An act to change the place of voting in an election precinct in Jefferson county.

An act for the benefit of James H. Godsey, former sheriff of Johnson county, and George H. Morrow, late sheriff of McCracken county.

An act to suspend the operation of the law in relation to changing Common School Districts in the county of Christian.

An act to exempt certain persons from paying toll at the gates on the Lexington and Covington Turnpike Road, in Grant county.

An act to prevent the erection of obstructions in Quicksand creek, in Breathitt county.

An act altering School districts, Nos. 55 and 29, in Morgan county.

An act to establish and regulate the width of a certain portion of the road leading from Richmond to Mount Sterling.

An act for the benefit of William Meredith.

An act for the benefit of William Alexander.

An act for the benefit of George H. Morrow.

An act to change the state road leading from Hopkinsville to Clarksville, in Tennessee.

Approved Dec. 27, 1851.

An act for the benefit of Robert Butler, of Simpson county.

An act better to define the boundary lines of Todd county.

An act to change the line between districts Nos. 1 and 2, in Lincoln county.

An act to change the voting place in district No. 4, in Henderson county.

An act to amend an act, entitled, an act further to provide for the collection of tolls on the Kentucky, Green, and Barren rivers.

An act to amend the charter of the Paris and Winchester Turnpike Road Company.

An act changing the lines of Magistrates' and Constables' districts in Harrison county.

An act to establish a School district in Hancock county.

An act for the benefit of Samuel T. Ray.

An act for the benefit of the Sheriffs of Taylor and Cumberland counties.

An act for the benefit of the Sheriff of Graves county.

An act for the benefit of Elizabeth Jones, administratrix of George Jones, deceased.

An act incorporating the Newport and Covington Bridge Company.

An act to amend an act establishing Morgantown Seminary, in Butler county.

An act to amend an act, entitled, an act to fix the time of holding the Circuit Courts in this Commonwealth.

An act to change Magistrates' districts, No. 1, in Crittenden county, and No. 1, in Madison county.

An act to change the line of the Burlington and Taylorsport election precinct, in Boone county.

An act concerning the Marshal of the town of Lancaster, and to establish the office of Marshal in the town of Richmond.

An act to change the line of a voting district in Logan county, and a justices' district in Boone county.

An act for the benefit of Hiram Senior, of Union county, and Benjamin R. Briggs, of Ohio county.

An act authorizing the trustees of Russellville to tax nine and ten pins.

An act to change the county line between the counties of Grant and Kenton.

An act relating to the poll tax in Campbell county.

An act changing the line between Shelby and Oldham counties.

Approved January 1, 1852.

An act to provide for the erection of a suitable monument over the grave of Col. Thos. Dollerhide.

An act to amend an act, entitled, an act to incorporate the Crab Orchard and Crews' Knob Turnpike Road Company, approved March 6, 1850.

An act to amend the charter of the Newport Safety Fund Bank of Kentucky.

An act to provide for the completion of the 2d Kentucky Lunatic Asylum.

An act to change certain districts and precincts in Lawrence county.

An act for the benefit of the town of Princeton.

An act to establish an April and July term of the Breckinridge County Court.

An act for the benefit of James E. Gardner, of Butler county.

An act to change the place of voting from the house of Sarah Bates to the mouth of Mill Stone, in Letcher county.

An act to change the time of holding the quarterly terms of the County Judge of Daviess county.

An act for the benefit of the Sheriffs of Todd, Pulaski, and Green counties.

An act to extend the town limits of Shepherdsville.

An act to incorporate the Cynthiana Female Academy.

An act regulating the time of holding Magistrates' courts in Barren county.

An act to amend the law in relation to working the public highways in the county of Mason.

An act to amend the charter of the town of Danville.

An act supplemental to the act incorporating the Commercial Bank of Paducah.

An act for the benefit of the Sheriff of Kenton county.

An act for the benefit of the Sheriff of Oldham county.

An act for the benefit of Common Schools in Estill county.

An act establishing an additional Magistrates' and Constable's district in Hancock county.

An act to establish Tobacco Inspections in the city of Louisville.

An act to amend an act, entitled, an act for the benefit of the heirs of James and Matthew Wakefield.

An act to charter Brooksville Lodge, No. 154, of Free and Accepted Masons.

An act to amend the charter of the Kentucky Trust Company Bank.

An act for the benefit of George F. Hickman.

An act for the benefit of William Richards, of Bath county.

An act to amend the charter of the city of Lexington.

An act to change the time of holding the Garrard county and quarterly courts.

An act to incorporate the Coal Haven Coal Mining Company, of Daviess county.

An act to incorporate the Coal Haven Manufacturing Company.

Approved January 2, 1852.

Mr. Preston presented the petition of sundry citizens of Louisville, praying an incorporation of the upper Catholic German Church.

Which petition was received, the reading dispensed with, and referred to the committee on Religion.

Mr. Barnes, from the committee on Internal Improvement, to whom

An act to establish a School district in Hancock county.

An act for the benefit of Samuel T. Ray.

An act for the benefit of the Sheriffs of Taylor and Cumberland counties.

An act for the benefit of the Sheriff of Graves county.

An act for the benefit of Elizabeth Jones, administratrix of George Jones, deceased.

An act incorporating the Newport and Covington Bridge Company.

An act to amend an act establishing Morgantown Seminary, in Butler county.

An act to amend an act, entitled, an act to fix the time of holding the Circuit Courts in this Commonwealth.

An act to change Magistrates' districts, No. 1, in Crittenden county, and No. 1, in Madison county.

An act to change the line of the Burlington and Taylorsport election precinct, in Boone county.

An act concerning the Marshal of the town of Lancaster, and to establish the office of Marshal in the town of Richmond.

An act to change the line of a voting district in Logan county, and a justices' district in Boone county.

An act for the benefit of Hiram Senior, of Union county, and Benjamin R. Briggs, of Ohio county.

An act authorizing the trustees of Russellville to tax nine and ten pins.

An act to change the county line between the counties of Grant and Kenton.

An act relating to the poll tax in Campbell county.

An act changing the line between Shelby and Oldham counties.

Approved January 1, 1852.

An act to provide for the erection of a suitable monument over the grave of Col. Thos. Dollerhide.

An act to amend an act, entitled, an act to incorporate the Crab Orchard and Crews' Knob Turnpike Road Company, approved March 6, 1850.

An act to amend the charter of the Newport Safety Fund Bank of Kentucky.

An act to provide for the completion of the 2d Kentucky Lunatic Asylum.

An act to change certain districts and precincts in Lawrence county.

An act for the benefit of the town of Princeton.

An act to establish an April and July term of the Breckinridge County Court.

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An act for the benefit of James E. Gardner, of Butler county.

An act to change the place of voting from the house of Sarah Bates to the mouth of Mill Stone, in Letcher county.

An act to change the time of holding the quarterly terms of the County Judge of Daviess county.

An act for the benefit of the Sheriffs of Todd, Pulaski, and Green counties.

An act to extend the town limits of Shepherdsville.

An act to incorporate the Cynthiana Female Academy.

An act regulating the time of holding Magistrates' courts in Barren county.

An act to amend the law in relation to working the public highways in the county of Mason.

An act to amend the charter of the town of Danville.

An act supplemental to the act incorporating the Commercial Bank of Paducah.

An act for the benefit of the Sheriff of Kenton county.

An act for the benefit of the Sheriff of Oldham county.

An act for the benefit of Common Schools in Estill county.

An act establishing an additional Magistrates' and Constable's district in Hancock county.

An act to establish Tobacco Inspections in the city of Louisville.

An act to amend an act, entitled, an act for the benefit of the heirs of James and Matthew Wakefield.

An act to charter Brooksville Lodge, No. 154, of Free and Accepted Masons.

An act to amend the charter of the Kentucky Trust Company Bank.

An act for the benefit of George F. Hickman.

An act for the benefit of William Richards, of Bath county.

An act to amend the charter of the city of Lexington.

An act to change the time of holding the Garrard county and quarterly courts.

An act to incorporate the Coal Haven Coal Mining Company, of Daviess county.

An act to incorporate the Coal Haven Manufacturing Company.

Approved January 2, 1852.

Mr. Preston presented the petition of sundry citizens of Louisville, praying an incorporation of the upper Catholic German Church.

Which petition was received, the reading dispensed with, and referred to the committee on Religion.

Mr. Barnes, from the committee on Internal Improvement, to whom

were referred bills from the House of Representatives, of the following titles, viz :

An act to charter the Hamilton Turnpike Road Company.

An act to amend an act, entitled, an act prescribing the means and mode of opening and working roads in Boone county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the clerks of the Nelson and Washington County Courts to cross index certain records, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorize appeals from County Court Judges, reported the same with the expression of opinion that it ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative. So said bill was disagreed to.

The following bills were reported, viz :

By Mr. Bradley, from the committee on Propositions and Grievances—A bill for the benefit of Henry J. Spradlin, of Morgan county.

By Mr. Munday, from a select committee—A bill giving additional powers to the trustees of Richmond.

By Mr. Cobb, from a select committee—A bill to legalize certain surveys in Knox and Clay counties.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bradley, from the committee on Propositions and Grievances, to whom was referred a bill to amend an act, entitled, an act to take the sense of the people of Owsley county, for the purpose of changing the county seat of said county, reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Percifull and Brown, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Ira Ellis,	Reuben Munday,
Henry G. Bibb,	John A. Goodson,	James P. Orr,
Thomas J. Blincoe,	Ben. Hardin,	Thompson S. Parks,
Eli Bozarth,	Thomas N. Lindsey,	James F. Robinson,
William Bradley,	Lewis L. Mason,	John Shawhan,
Wallace W. Brown,	John G. McFarland,	Shelby Stone,
Radford M. Cobb,	Martin D. McHenry,	John J. Thomasson—22.
John Cunningham,		

Those who voted in the negative, were

Sidney M. Barnes,	William A. Hooe,	Jefferson Percifull,
Abram I. Caldwell,	Preston H. Leslie,	John D. Taylor—7.
Richard D. Gholson,		

The question was then taken on the passage of said bill, and it was decided in the affirmative.

Resolved, That the title of said bill be as aforesaid.

Mr. Berry, from a select committee, reported a bill defining the duties of trustees of Common Schools, which was read the first time, and ordered to be read a second time.

Said bill was read as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That trustees of common schools, from and after the passage of this act, shall have no power to employ or engage the services of any teacher for any school district, in any county within this state, without a majority of all the patrons in such school district concurring in such appointment.

The question was taken on ordering said bill to be engrossed and read a third time, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Berry and Bibb, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	William Bradley,	John G. McFarland,
Henry G. Bibb,	Ben. Hardin,	Reuben Munday,
Thomas J. Blincoe,	Lewis L. Mason,	John C. Walker—9.

Those who voted in the negative, were

Sidney M. Barnes,	William A. Hooe,	Jefferson Percifull,
Eli Bozarth,	Preston H. Leslie,	James F. Robinson,
Abram I. Caldwell,	Martin D. McHenry,	John Shawhan,
John Cunningham,	Isaac P. Miller,	Shelby Stone,
Ira Ellis,	James P. Orr,	John D. Taylor,
John A. Goodson,	Thompson S. Parks,	John J. Thomasson—18.

A bill from the House of Representatives, entitled, an act fixing the time of holding the court of claims in Fayette county, and certain terms of the Jessamine County Court, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration a bill from the House of Representatives, entitled, an act to amend the charter of the Winchester and Paris Turnpike Road Company.

Mr. Cunningham moved to amend said bill by adding thereto the following:

Be it further enacted, That the president and directors of the Cynthiana and Millersburg turnpike road company be allowed to remove a gate on said road, within one-half mile of Ruddle's mills, in Bourbon county.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cunningham and Brown, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Radford M. Cobb,	Thomas N. Lindsey,
Henry G. Bibb,	John Cunningham,	Lewis L. Mason,
Wallace W. Brown,	Ira Ellis,	Jefferson Percifull,
Abram I. Caldwell,	John A. Goodson,	John C. Walker—12.

Those who voted in the negative, were

Thomas J. Blincoe,	Martin D. McHenry,	Thomas J. Smith,
Eli Bozarth,	Isaac P. Miller,	Shelby Stone,
Ben. Hardin,	Reuben Munday,	John D. Taylor,
Preston H. Leslie,	John Shawhan,	John J. Thomasson—12.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration a bill from the House of Representatives, entitled, an act to charter the city of Louisville, approved March 24, 1851.

Said bill was amended.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title be amended by adding thereto, "and for other purposes."

The Senate took up for consideration a bill from the House of Repre-

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representatives, entitled, an act to amend an act to charter the Louisville and Nashville Railroad, and the act amending the same, approved March 20, 1851.

Ordered, That said bill be made the special order of the day for tomorrow at half past 10 o'clock, A. M.

The Senate took up for consideration a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to extend the limits of the town of Hopkinsville, approved February 4, 1846.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate, took up for consideration a bill from the House of Representatives, entitled, an act authorizing the Master Commissioner in Chancery, to hold the County Courts in certain cases.

Ordered, That said bill be laid on the table.

The Senate took up for consideration, a bill to divide the state into Congressional districts.

Ordered, That said bill be made the special order of the day for tomorrow at half past 10 o'clock, A. M.

A resolution of instruction to our Senators in Congress, was taken up.

Ordered, That said resolution be referred to a select committee, consisting of Messrs. Bozarth, Preston, and Walker.

The Senate took up for consideration the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to revise the statute laws of this state.

Resolved, That the Senate concur in the 1st, 3d, 4th, 6th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, and 34th, and disagree to the 2d, 7th, 8th, 9th, 32d, 33d, and, 35th amendments proposed by the House of Representatives to said bill.

The Senate resumed the consideration of the bill to amend the Code of Practice.

The 168th section of the Code of Practice as amended, reads as follows, viz :

"Every pleading must be verified by the party or his attorney. Every answer to a petition in equitable proceedings shall be verified by the oath of the defendant, that the statements therein made, as of his own knowledge, are true, and those made from information he believes to be true. Every answer to a petition, or reply to a counter claim, in ordinary proceedings founded on a writing, which presents the defence of *non est factum*, or a want of consideration, or a partial or total failure of consideration, or questions the validity of an alleged assignment, shall be verified by the oath of the party. Any party, plaintiff or defendant, either

in equitable or ordinary proceedings, may require the adverse party to respond on oath to any pertinent interrogatories; but no cause shall be continued for want of such response, unless the court shall deem the grounds for continuance sufficient.

Mr. Gholson moved to amend said section by adding thereto the following.

"Process may issue on bonds, notes, and accounts for the payment of money or property, without a petition being filed, and in such cases, no attorney's fee shall be taxed, provided no defence is made or entered on the record.

The question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gholson and Berry, were as follows, viz:

Those who voted in the affirmative, were

William J. Berry,	Richard D. Gholson,	James P. Orr,
Thomas J. Blincoe,	Lewis L. Mason,	Jefferson Percifull,
Radford M. Cobb,	Reuben Munday,	John Shawhan—9.

Those who voted in the negative, were

Sidney M. Barnes,	John A. Goodson,	Martin D. McHenry,
Henry G. Bibb,	Ben. Hardin,	James F. Robinson,
Abram I. Caldwell,	William A. Hooe,	Shelby Stone,
John Cunningham,	Preston H. Leslie,	John D. Taylor,
Ira Ellis,	Thomas N. Lindsey,	John C. Walker—15.

Said bill was further amended.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

TUESDAY, JANUARY 6, 1852.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to a bill from that House, entitled, an act for the benefit of the Kentucky Institution for the education of the blind.

That they had passed bills from the Senate, of the following titles, viz:

An act for the benefit of the Deaf and Dumb Asylum of Kentucky.

An act changing the time of holding the Estill and Franklin Circuit Courts.

That they had passed bills of the following titles, viz :

An act in relation to the Louisville and Portland Railroad.

An act for the benefit of the infant heirs of Elisha M. Ford.

An act to incorporate Adams' Fork Lodge No. 179.

The Speaker laid before the Senate the annual report of the Commissioners of the Sinking Fund.

[For Report—see Legislative Documents.]

Ordered, That the Public Printer print 150 copies of said report for the use of the members of the General Assembly.

Mr. Barnes, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Frankfort and Lawrenceburg Turnpike Road Company, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bradley, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Paducah Farmers Tobacco Warehouse Company, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act to incorporate Herman Lodge No. 17, I. O. O. F. of Louisville.

An act to grant certain privileges to the Dutch Ridge Company.

An act to incorporate North Middletown Royal Arch Chapter, No. 26, and Morrison Lodge, No. 103, of Free and Accepted Masons.

An act for the benefit of the city of Newport.

Reported the same, with an amendment to the last named bill, which was concurred in.

Ordered, That said bills, the last as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz :

By Mr. Bibb, from a select committee—1. A bill to change the time of holding the quarterly courts of the County Judge of Wayne.

By Mr. McHenry, from the committee on the Judiciary—2. A bill to incorporate Devotion Lodge, No. 160, of Free and Accepted Masons.

By Mr. Elliott, from a select committee—3. A bill for the benefit of the late sheriff of Carter county.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st and 2d bills be read a third time, and the 3d be referred to the committee on Finance.

The constitutional provision as to the third reading of the 1st and 2d bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were read the first time, viz :

An act for the benefit of the Fleming County Court.

An act to establish an additional Justices' district, No. 7, in McCracken county.

An act to change the time of holding the Laurel quarterly court.

An act to incorporate the Farmers Tobacco Warehouse Company.

An act to incorporate the Daniel Boone Division, No. 35, Sons of Temperance.

An act to incorporate Herman Lodge, No. 17, I. O. O. F., Louisville.

An act to authorize the County Court of Bracken to discontinue the state road from Augusta to Brooksville.

An act to amend the charter of the Augusta, Cynthiana, and Georgetown Turnpike Road Company.

An act to grant certain privileges to the Dutch Ridge Company.

An act for the benefit of the city of Newport.

An act to incorporate North Middletown Royal Arch Chapter, No. 26, and Morrison Lodge, No. 103, of Free and Accepted Masons.

An act to charter the Lexington and Kentucky river Railroad Company.

An act to change the boundary line of Justices' district No. 8, Daviess.

An act for the benefit of the Maysville and Mountsterling Turnpike Road Company.

An act to amend the charter of the Frankfort and Lawrenceburg Turnpike Road Company.

An act for the benefit of George W. Lewis.

An act to change the voting place in district No. 3, in Hart county.

An act for the benefit of district No. 4, in Grant county.

An act to extend the corporate limits of the town of Henderson, in Henderson county.

An act to establish an additional Justices' and Constable's district, and election precinct, in Jefferson county.

An act declaring Robinson's creek a navigable stream.

An act to charter the Mountsterling and Virginia Turnpike Road Company.

An act for the benefit of Harry Stratton.

An act for the benefit of G. W. Mayo.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the committee on County Courts; the 2nd, 4th, 7th, 13th, 17th, 18th, and 20th, to the committee on Propositions and Grievances; the 3d to the committee on Circuit Courts; the 5th, 6th, 9th, 10th, 11th, and 19th, to the committee on the Judiciary; the 8th, 12th, 14th, 15th, 21st, and 22nd, to the committee on Internal Improvement; and the 16th, 23d, and 24th, to the committee on Finance.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz :

An act to incorporate the Peoples' Turnpike Road Company.

An act for the benefit of the town of Danville.

An act to change the boundary of Magistrates' and Constable's district No. 4, in Breckinridge county.

An act for the benefit of the Gallatin County Academy and Common School district No. 1, in Carroll county.

An act for the benefit of the infant heirs of Elisha M. Todd.

An act to incorporate Adams' Fork Lodge, No. 179.

Ordered, That said bills be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as afore-said.

The Senate took up for consideration the amendments proposed by the House of Representatives, to the amendments of the Senate, to a bill from that House, entitled, an act for the benefit of the Louisville and Covington Railroad Company, which were twice read and concurred in.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad, and the act amending the same, approved March 20, 1851.

Said bill was amended.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration a bill from the House of Representatives, entitled, an act to incorporate the Licking river Navigation Company.

Said bill was amended.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration a bill to provide for and secure the registration of births, deaths, and marriages in Kentucky.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate, according to order, took up for consideration a bill to divide the State into Congressional districts.

Said bill reads as follows, viz :

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That this state shall be divided into ten congressional districts, as follows :

The first district shall be composed of the counties of Fulton, Hickman, Ballard, Graves, McCraeken, Marshall, Calloway, Trigg, Caldwell, Crittenden, Livingston, Union, and Hopkins.

The second district shall be composed of the counties of Christian, Muhlenburg, Henderson, Daviess, Ohio, Butler, Hancock, Breckinridge, Grayson, and Edmonson.

The third district shall be composed of the counties of Todd, Logan, Simpson, Warren, Barren, Monroe, Hart, and Allen.

The fourth district shall be composed of the counties of Cumberland, Clinton, Wayne, Pulaski, Russell, Adair, Green, Casey, Lincoln, Boyle, Taylor, and Whitley.

The fifth district shall be composed of the counties of Meade, Hardin, Nelson, Bullitt, Spencer, Washington, Marion, Mercer, and Larue.

The sixth district shall be composed of the counties of Garrard, Madison, Rockcastle, Laurel, Knox, Estill, Owsley, Clay, Perry, Letcher, Harlan, Pike, Floyd, Breathitt, and Morgan.

The seventh district shall be composed of the counties of Shelby, Jefferson, Henry, Oldham, Trimble, and Carroll.

The eighth district shall be composed of the counties of Bourbon, Fayette, Woodford, Scott, Franklin, Jessamine, and Anderson.

The ninth district shall be composed of the counties of Clarke, Montgomery, Bath, Fleming, Greenup, Carter, Lewis, Lawrence, Mason, and Bracken.

The tenth district shall be composed of the counties of Nicholas, Pendleton, Campbell, Kenton, Grant, Boone, Gallatin, Harrison, and Owen.

§ 2. That on the first Monday in August next, and on the same day of said month every two years thereafter, the qualified voters of the several districts aforesaid, at the places where they vote for representatives in the general assembly, shall vote for some fit person, who shall reside in this state, being twenty-five years of age, and having been seven years a citizen of the United States, to represent them in the congress of the United States.

The substitute offered by Mr. Shawhan, on the 4th ult., reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That this state shall be, and is hereby divided into ten congressional districts, as follows:

The first district shall be composed of the counties of Hickman, Fulton, Ballard, Graves, McCracken, Marshall, Calloway, Trigg, Caldwell, Crittenden, Livingston, Union, and Hopkins.

The second district shall be composed of the counties of Christian, Muhlenburg, Henderson, Daviess, Ohio, Butler, Hancock, Breckinridge, Grayson, Edmonson, and Meade.

The third district shall be composed of the counties of Todd, Logan, Simpson, Warren, Allen, Barren, Monroe, and Hart.

The fourth district shall be composed of the counties of Cumberland, Clinton, Wayne, Pulaski, Russell, Adair, Green, Taylor, Casey, Lincoln, and Boyle.

The fifth district shall be composed of the counties of Hardin, Nelson, Larue, Bullitt, Spencer, Washington, Marion, Anderson, and Mercer.

The sixth district shall be composed of the counties of Garrard, Madison, Rockcastle, Laurel, Knox, Estill, Owsley, Clay, Perry, Letcher, Whitley, Harlan, Pike, Floyd, and Johnson.

The seventh district shall be composed of the counties of Jefferson, Shelby, Henry, Oldham, Trimble, and Carroll.

The eighth district shall be composed of the counties of Bourbon, Fayette, Jessamine, Woodford, Scott, Franklin, and Owen.

The ninth district shall be composed of the counties of Clarke, Montgomery, Powell, Bath, Morgan, Fleming, Greenup, Carter, Lewis, Lawrence, and Breathitt.

The tenth district shall be composed of the counties of Mason, Nicholas, Bracken, Pendleton, Campbell, Kenton, Grant, Boone, Gallatin, and Harrison.

Hr. Hardin offered the following as a substitute for the bill and amendment proposed by Mr. Shawhan.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That this state shall be divided into ten congressional districts, as follows:

The first district shall be composed of the counties of Fulton, Hickman, Ballard, Graves, McCracken, Marshall, Calloway, Trigg, Caldwell, Critten, Livingston, Union, and Hopkins.

The second district shall be composed of the counties of Meade, Christian, Muhlenburg, Henderson, Daviess, Ohio, Butler, Hancock, Breckinridge, and Edmonson.

The third district shall be composed of the counties of Todd, Logan, Simpson, Warren, Barren, Monroe, Hart, and Allen.

The fourth district shall be composed of the counties of Cumberland, Clinton, Wayne, Pulaski, Russell, Adair, Green, Casey, Lincoln, Boyle, Taylor, and Whitley.

The fifth district shall be composed of the counties of Hardin, Nelson, Bullitt, Spencer, Washington, Marion, Mercer, Larue, and Grayson.

The sixth district shall be composed of the counties of Garrard, Madison, Rockcastle, Laurel, Knox, Estill, Owsley, Clay, Perry, Letcher, Harlan, Pike, Floyd, Breathitt, Morgan, and Johnson.

The seventh district shall be composed of the counties of Shelby, Jefferson, Henry, Oldham, Trimble, and Carroll.

The eighth district shall be composed of the counties of Bourbon, Fayette, Woodford, Scott, Franklin, Jessamine, and Anderson.

The ninth district shall be composed of the counties of Clarke, Montgomery, Bath, Fleming, Greenup, Carter, Lewis, Lawrence, Mason, Bracken, and Powell.

The tenth district shall be composed of the counties of Nicholas, Pendleton, Campbell, Kenton, Grant, Boone, Gallatin, Harrison, and Owen.

§ 2. That on the first Monday in August next, and on the same day of said month every two years thereafter, the qualified voters of the several districts aforesaid, at the places where they vote for representatives in the general assembly, shall vote for some fit person, who shall reside in this state, being twenty-five years of age, and having been seven years a citizen of the United States, to represent them in the congress of the United States.

Mr. Hardin moved the previous question, and it was decided in the negative.

The question was taken on the adoption of the substitute offered by Mr. Hardin, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Shawhan and Smith, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Ira Ellis,	William Preston,
William J. Berry,	Ben. Hardin,	James F. Robinson,
Henry G. Bibb,	Preston H. Leslie,	Shelby Stone,
Abram I. Caldwell,	Thomas N. Lindsey,	John D. Taylor,
Joseph S. Conn,	Reuben Munday,	John C. Walker—16.
John Cunningham,		

Those who voted in the negative, were

Thomas J. Blincoe,	John A. Goodson,	James P. Orr,
Eli Bozarth,	William A. Hooe,	Thompson S. Parks,
William Bradley,	Lewis L. Mason,	Jefferson Percifull,
Wallace W. Brown,	John G. McFarland,	John Shawhan,
Radford M. Cobb,	Martin D. McHenry,	Thomas J. Smith,
John L. Elliott,	Isaac P. Miller,	John J. Thomasson—19.
Richard D. Gholson,		

The question was then taken on the adoption of the amendment proposed by Mr. Shawhan, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Brown, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	John A. Goodson,	Thompson S. Parks,
Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
Eli Bozarth,	Lewis L. Mason,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith,
Wallace W. Brown,	Martin D. McHenry,	Shelby Stone,
John L. Elliott,	Isaac P. Miller,	John J. Thomasson—20.
Richard D. Gholson,	James P. Orr,	

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	Reuben Munday,
Henry G. Bibb,	Ira Ellis,	William Preston,
Abram I. Caldwell,	Ben. Hardin,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	Thomas N. Lindsey,	John C. Walker—15.

Mr. Caldwell moved the following, as an amendment to said bill:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That the state is hereby laid off into ten congressional districts, as follows:

The first district shall be composed of the counties of Fulton, Hickman, Ballard, Graves, McCracken, Calloway, Trigg, Marshall, Livingston, Crittenden, Caldwell, Union, and Hopkins.

The second district shall be composed of the counties of Christian, Henderson, Daviess, Ohio, Hancock, Muhlenburg, Grayson, Breckinridge, Meade, Butler, and Edmonson.

The third district shall be composed of the counties of Todd, Warren, Logan, Allen, Simpson, Barren, Monroe, and Hart.

The fourth district shall be composed of the counties of Cumberland, Clinton, Wayne, Russell, Adair, Green, Taylor, Casey, Lincoln, Boyle, Pulaski, and Rockcastle.

The fifth district shall be composed of the counties of Hardin, Larue, Bullitt, Spencer, Nelson, Washington, Marion, Mercer, and Anderson.

The sixth district shall be composed of the counties of Fayette, Bourbon, Scott, Woodford, Franklin, Jessamine, and Nicholas.

The seventh district shall be composed of the counties of Jefferson, Shelby, Oldham, Henry, Carroll, and Trimble.

The eighth district shall be composed of the counties of Owen, Grant, Pendleton, Kenton, Boone, Campbell, Gallatin, Harrison, and Bracken.

The ninth district shall be composed of the counties of Mason, Fleming, Lewis, Greenup, Carter, Lawrence, Morgan, Clarke, Bath, and Montgomery.

The tenth district shall be composed of the counties of Madison, Estill, Owsley, Breathitt, Pike, Johnson, Floyd, Perry, Letcher, Clay, Harlan, Knox, Whitley, Laurel, and Garrard.

The yeas and nays being required thereon, by Messrs. Brown and Caldwell, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Joseph S. Conn,	Reuben Munday,
William J. Berry,	John Cunningham,	James F. Robinson,
Henry G. Bibb,	Ira Ellis,	John D. Taylor,
Abram I. Caldwell,	Preston H. Leslie,	John C. Walker—14.
Radford M. Cobb,	Thomas N. Lindsey,	

Those who voted in the negative, were

Thomas J. Blincoe,	Ben. Hardin,	Thompson S. Parks,
Eli Bozarth,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	William Preston,
Wallace W. Brown,	John G. McFarland,	John Shawhan,
John L. Elliott,	Martin D. McHenry,	Thomas J. Smith,
Richard D. Gholson,	Isaac P. Miller,	Shelby Stone,
John A. Goodson,	James P. Orr,	John J. Thomasson—21.

Mr. Cunningham, at twenty-five minutes past 2 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Brown and Gholson, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Ben. Hardin,	John D. Taylor,
Joseph S. Conn,	Thomas N. Lindsey,	John C. Walker—8.
John Cunningham,	William Preston,	

Those who voted in the negative, were

William J. Berry,	Ira Ellis,	Reuben Munday,
Henry G. Bibb,	Richard D. Gholson,	James P. Orr,
Thomas J. Blincoe,	John A. Goodson,	Thompson S. Parks,
Eli Bozarth,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Preston H. Leslie,	John Shawhan,
Wallace W. Brown,	Lewis L. Mason,	Thomas J. Smith,
Abram I. Caldwell,	John G. McFarland,	Shelby Stone,
Radford M. Cobb,	Isaac P. Miller,	John J. Thomasson—25.
John L. Elliott,		

The question was then taken on ordering said bill to be engrossed and read a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Shawhan and Brown, were as follows, viz :

Those who voted in the affirmative, were

William J. Berry,	Richard D. Gholson,	James P. Orr,
Henry G. Bibb,	John A. Goodson,	Thompson S. Parks,
Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
Eli Bozarth,	Lewis L. Mason,	John Shawhan,
William Bradley,	John G. McFarland,	Thomas J. Smith,
Wallace W. Brown,	Martin D. McHenry,	Shelby Stone,
John L. Elliott,	Isaac P. Miller,	John J. Thomasson—21.

Those who voted in the negative, were

Sidney M. Barnes,	Ira Ellis,	William Preston,
Abram I. Caldwell,	Ben. Hardin,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	John D. Taylor,
Joseph S. Conn,	Thomas N. Lindsey,	John C. Walker—14.
John Cunningham,	Reuben Munday,	

Ordered, That said bill be read a third time, on to-morrow, at half past 9 o'clock, A. M.,

Mr. Orr, from the joint committee on the Penitentiary, made the following report :

The joint committee on the Penitentiary respectfully report, that they have, both in committee and each individually, visited, from time to time, the state prison, and inquired and inspected into its condition, and the general treatment of its convicts, and management of its concerns; and submit the result of their investigations, as follows :

Your committee fully concur with the report of the keeper of the penitentiary to the present general assembly, that the cells are in an unsafe condition, for want of a more secure and impregnable covering over the upper tier of cells, which have now nothing but a light brick arch over each cell, between the lodgment of the convicts and the attic story of the building, from which story an opening through an ordinary shingle roof, and a descent therefrom of some twenty feet, would let the prisoner into the freedom of the world without the walls of the prison. The committee find that the commissioners of the sinking fund are fully authorized, by law, to direct any necessary improvements, and only regret that no improvement in the security of the cells has yet been made or contracted for. The committee also regard the cells as defective in a sanitary respect, for want of sufficient ventilation; and would respectfully suggest that the commissioners, already charged with necessary improvements, be also instructed to remedy this defect, which the committee are of opinion can be easily done by making a grated opening at the heads between each two opposing cells.

These improvements, both in the ventilation and security of the cells, the committee regard as of the most urgent importance. Until the former is made, the cells must continue damp, disagreeable in odor, and unhealthy to occupy; while, for want of the latter, the institution is now compelled to maintain an armed night guard, in a cold, disagreeable garret, to prevent the escape of the convicts.

The attention of your committee was also called to the hospital, which,

after full examination, they are decidedly of opinion, is unfit for the purpose to which it is appropriated. It has neither the capacity of size nor the necessary ventilation to preserve the health of the average number of persons doomed to its occupation, much less to afford them eligible quarters for recovery from serious illness. Your committee find no room about the institution of sufficient dimensions and adaptation to the abode of the sick, and have no hesitation in declaring it the duty of the state to erect a new and capacious hospital for the accommodation of the convicts.

The committee, from all they could see and ascertain, are of opinion that the convicts are treated with proper humanity, and wholesome discipline. They believe the law of last session, designed more especially to provide for their comfortable clothing and lodgment, has been substantially complied with; and are persuaded that a due regard is paid to their personal cleanliness and decency of habits. Their food, too, the committee believe to be substantial, wholesome, and liberal in quantity. They also seem to preserve a proper decorum and observe becoming subordination, which your committee believe is maintained with a rigid though humane discipline by the keeper and his assistants and guards.

Of the business operations of the institution, your committee did not make a detailed investigation, for the reason that its financial condition is fully reported by the clerk of the penitentiary, and the law now directs an annual settlement with the commissioners of the sinking fund, in whose competence to investigate its fiscal transactions, it is believed the general assembly have implicit confidence. The committee would say, however, that they visited the various working departments of the prison, and found the whole characterized with order, industry, and energy.

By the 16th section of an act, approved February 18, 1848, "the first and second auditors, treasurer, register, and attorney general are appointed a board of visitors, whose duty it shall be to visit the penitentiary as often as they may think proper, and at least *once in each month*, and make examination into the state of the institution, the health of the convicts, the manner of dieting them, the cleanliness of the cells, and the treatment of the convicts generally, and *make such report to the legislature as the condition of the institution may require.*"

This regulation your committee regard as eminently wholesome, and highly essential to the security of proper humanity and discipline, and the safeguard of the state's interest in its business profits; and deeply regret to hear that it has been so illy complied with on the part of said board of visitors. They have not only made no "report to the legislature," but the committee are informed by the keeper that they have not held a session at the penitentiary for a twelvemonth, some of them have never visited the institution at all, and others have only casually called and superficially inquired into its general concerns.

On this board of visitors a vacancy occurs by the reduction of the number of auditors to one; and the committee would suggest the addition of the secretary of state to fill the vacancy, and recommend such action on the part of the general assembly as will remind said board of

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the important interests committed to their charge, and the necessity of more vigilant attention to the duties assigned them.

J. P. ORR, *Cl'n Senate Com.*
J. J. THOMASSON,
W. W. HALEY,
REUBEN MUNDAY,
J. G. McFARLAND,
N. GREEN, *Cl'n H. R. Com.*
ANDREW MONROE,
B. F. HUME,
ELLIS DUNCAN,
J. C. WILMORE,
GARLAND HURT,
THOS. R. GIVENES.

Ordered, That the Public Printer print 150 copies of said report for the use of the members of the General Assembly.

Mr. McHenry offered the following resolution, viz :

Resolved, That the clerk of this house have leave to procure the aid of A. G. Hodges, for the purpose of enrolling the revised statutes passed at the present session, and that the same may be done, as far as practicable, by pasting printed sheets on the enrolling paper.

The Senate took up for consideration a bill for the benefit of William Kouns.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

The Senate took up for consideration the amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act to revise the statute laws of this state.

Resolved, That the senate recede from their disagreement to the 2nd, 7th, 8th, 9th, 32d, 33d, and 35th amendments proposed by the House of Representatives to said bill.

And then the Senate adjourned.

WEDNESDAY JANUARY 7, 1852.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate, to a bill from that House, entitled, an act to amend an act, en-

titled, an act to charter the Louisville and Nashville Railroad, and the act amending the same, approved, March 20, 1851, with an amendment.

That they had concurred in the amendments proposed by the Senate to bills from the House of Representatives, of the following titles, viz:

An act to amend an act, entitled, an act to amend the revenue laws, approved February 10, 1845.

An act to incorporate the Licking River Navigation Company.

An act to amend an act, entitled, an act to charter the city of Louisville, approved March 24, 1851.

That they had passed bills from the Senate of the following titles, viz:

An act to authorize the appointment of persons to serve process in the Justices' Court of the city of Louisville.

An act to authorize the election of a Police Judge, Marshal, and Tax Commissioner, in the town of Columbus.

An act for the benefit of Jarvis Jackson, of Laurel county.

An act to incorporate the Union Agricultural and Mechanical Association.

An act to incorporate the town of Sharpsburg.

An act to amend the charter of the city of Augusta.

An act authorizing public arms to the Kentucky Military Institute, and Western Military Institute.

An act to increase the powers of the Marshal of New Liberty.

An act fixing the time of holding the Circuit Courts in the 12th Judicial District.

An act to incorporate the German Protestant Asylum Company.

An act to regulate the roads in Knox county.

An act to establish a part of the line between the counties of Lawrence, Pike, and Floyd.

An act to repeal all laws authorizing the County Court of Perry county to remove the mill dam of James Johnston across the Middle Fork of the Kentucky river.

An act to change the line of Clay and Harlan counties.

An act to incorporate the Pikeville Turnpike Road Company.

An act to incorporate the Danville, Somerset, and Knoxville Railroad Company.

An act to amend an act, entitled, an act to take the sense of the people of Owsley county for the purpose of changing the county seat of said county.

An act for the benefit of the sheriff of Mason county.

An act for the benefit of James M. Todd, sheriff of Lewis county.

An act for the benefit of William S. Parker, late sheriff of Lewis county.

An act to incorporate the Baptist Church at Lancaster, Garrard county.

An act giving additional powers to the trustees of Richmond.

An act to legalize certain surveys in Knox and Clay counties.

An act to allow a Police Judge and Town Marshal to the town of Cornishville, in Mercer county.

An act to define the boundaries of the city of Louisville.

An act declaring the Somerset Gazette an authorized newspaper.

An act for the appropriation of money.

With amendments to the three last bills.

That they had passed bills of the following titles, viz :

An act authorizing Common School Commissioners to change or form new districts.

An act to create the office of Police Judge and Marshal in the town of Greenville, in Muhlenburg county.

An act to incorporate Compass Lodge, No. 223, of Free and Accepted Masons.

An act in relation to the blind children in Kentucky.

An act to amend the charter of the Nicholasville and Jessamine Turnpike Road Company.

An act for the benefit of the 6th Road district in Kenton county.

An act for the benefit of the Taylor's Mill Turnpike Road Company.

An act for the benefit of the sheriffs of Henry, Owen, Knox, Perry, and Wayne counties.

An act in relation to the Louisville and Portland Railroad.

An act to create the office of Police Judge and Marshal in the town of Mount Vernon.

An act to change the line of Justices' district No. 1, in Laurel county.

An act declaring Wolf creek navigable.

An act changing the county and quarterly courts of Perry and Letcher counties.

An act creating a new district in the county of Pike.

An act to allow the guardians of the Louisville city Alms House, to apprentice certain poor children.

An act fixing the rates of toll on Muldrow's Hill, and to provide for collecting the same.

An act to repeal an act, entitled, an act to empower the trustees of Williamsburg to sell a part of a street in said town.

An act concerning the road and bridge fund of Whitley county.

An act to incorporate Warsaw Division, No. 59, Sons of Temperance.

An act to incorporate Napoleon Division, No. 260, Sons of Temperance.

An act to establish the Police Court of Hillsborough, in Fleming county.

An act to charter the Kentucky and Virginia Railroad Company.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to extend the corporate limits of the town of Henderson, in Henderson county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Barnes, from the committee on County Courts, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act for the benefit of the Fleming County Court.

An act to change the time of holding the August term of the Laurel quarterly court.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bradley, from the committee on Propositions and Grievances, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act to authorize the County Court of Bracken to discontinue the state road from Augusta to Brooksville.

An act for the benefit of district No. 4, in Grant county.

An act to establish an additional Justices' district in McCracken county.

An act to change the boundary line of Justices' district No. 8, in Daviess county.

An act to change the voting place in district No. 3, in Hart county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bradley, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to establish an additional Justices' and Constable's district and election precinct in Jefferson county, reported the same with an amendment, as a substitute for said bill, which was adopted.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Gholson, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act authorizing James Haggard to solemnize marriages, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Barnes, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act to charter the Lexington and Kentucky river Railroad Company.

An act for the benefit of the Maysville and Mountsterling Turnpike Road Company.

An act to amend the charter of the Augusta, Cynthiana, and Georgetown Turnpike Road Company.

An act declaring Robinson's creek a navigable stream.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz :

An act for the benefit of George W. Lewis.

An act for the benefit of G. W. Mayo.

An act for the benefit of Harry Stratton.

Reported the same, with amendments to the two last named bills, which were concurred in.

Ordered, That said bills, the two last as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the committee on Finance, to whom was referred a bill for the benefit of the late sheriff of Carter county, reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Elliott, from a select committee, reported a bill to provide for the navigation of the Little Sandy river, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the committee on Finance.

Mr. Robinson, from a select committee, reported a bill to provide for the compensation of the Commissioners on the Code of Practice, which was read the first time, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Harlan, Madison C. Johnson, and Preston S. Loughborough be paid, out of any money in the treasury not otherwise appropriated, the sum of dollars each, as compensation for their services as commissioners to prepare a code of practice.

Ordered, That said bill be read a 2d time.

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Preston moved to fill the blank in said bill with fifteen hundred dollars.

Mr. Hardin moved to fill said blank with one thousand dollars.

Mr. Barnes moved to fill the blank with \$800.

The question was then taken on filling the blank with \$1500, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Preston, were as follows, viz :

Those who voted in the affirmative, were

Abram I. Caldwell,	Thomas N. Lindsey,	John C. Walker—5.
Joseph S. Conn,	William Preston,	

Those who voted in the negative, were

Sidney M. Barnes,	John A. Goodson,	James P. Orr,
Henry G. Bibb,	Ben. Hardin,	Thompson S. Parks,
Thomas J. Blincoe,	William A. Hooe,	Jefferson Percifull,
Eli Bozarth,	Preston H. Leslie,	John Shawhan,
William Bradley,	Lewis L. Mason,	Thomas J. Smith,
Radford M. Cobb,	Martin D. McHenry,	Shelby Stone,
John Cunningham,	Isaac P. Miller,	John D. Taylor,
John L. Elliott,	Reuben Munday,	John J. Thomasson—25.
Richard D. Gholson,		

The question was then taken on filling the blank with \$1000, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Preston and Conn, were as follows, viz:

Those who voted in the affirmative, were

Thomas J. Blincoe,	Ira Ellis,	Martin D. McHenry,
William Bradley,	Richard D. Gholson,	Isaac P. Miller,
Abram I. Caldwell,	John A. Goodson,	Thompson S. Parks,
Joseph S. Conn,	Ben. Hardin,	William Preston,
John Cunningham,	William A. Hooe,	John J. Thomasson,
John L. Elliott,	Thomas N. Lindsey,	John C. Walker.—18

Those who voted in the negative, were

Sidney M. Barnes,	Preston H. Leslie,	John Shawhan,
Henry G. Bibb,	Lewis L. Mason,	Thomas J. Smith,
Eli Bozarth,	Reuben Munday,	Shelby Stone,
Wallace W. Brown,	James P. Orr,	John D. Taylor—14.
Radford M. Cobb,	Jefferson Percifull,	

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz:

Those who voted in the affirmative, were

Thomas J. Blincoe,	Richard D. Gholson,	Thompson S. Parks,
William Bradley,	John A. Goodson,	Jefferson Percifull,
Abram I. Caldwell,	Ben. Hardin,	William Preston,
Radford M. Cobb,	William A. Hooe,	Thomas J. Smith,
Joseph S. Conn,	Thomas N. Lindsey,	John J. Thomasson,
John Cunningham,	Martin D. McHenry,	John C. Walker—20.
Ira Ellis,	Isaac P. Miller,	

Those who voted in the negative, were

Sidney M. Barnes,	John L. Elliott,	James P. Orr,
Henry G. Bibb,	Preston H. Leslie,	John Shawhan,
Eli Bozarth,	Lewis L. Mason,	Shelby Stone,
Wallace W. Brown,	Reuben Munday,	John D. Taylor—12.

Resolved, That the title of said bill be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act to incorporate the Union Bank of Kentucky, at Milton, which was read the first time, as follows :

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be, and is hereby established a bank, by the name of "the Union Bank of Kentucky," with a capital of four hundred thousand dollars, to be divided into shares of one hundred dollars each, and to be subscribed and paid for by individuals, companies, and corporations, in the manner hereinafter specified ; which subscribers and stockholders, their successors and assigns, are hereby created a body politic and corporate, by the name and style of "the Union Bank of Kentucky," and shall so continue a body politic and corporate until the first day of May, 1880 ; and, by that name, under the restrictions hereinafter named, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts or places, in all matters whatsoever, as natural persons, with full power to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real estate, goods, effects, and chattels, as shall be convenient for the transaction of its business, or which may be conveyed to said bank, as surety for any debt, or purchased in satisfaction of any judgment or decree in favor of the bank, or in the purchase of any property on which said bank may have a lien ; and said bank may have and use a common seal, change, alter, and renew the same at pleasure ; and it may ordain and put in execution such by-laws, rules, and regulations for the good government of said bank, and the prudent and efficient management of its affairs, as may be thought most proper : *Provided*, that they be not contrary to the constitution and laws of this state or the United States.

§ 2. The said bank shall have and keep its office of discount and deposit in the town of Milton, Trimble county. The business shall be to loan money, discount promissory notes and bills, and deal in exchange ; and it may issue bills and bank notes, payable to bearer on demand, at its office of discount and deposit, but not of less denomination than one dollar ; and it shall not issue any notes, bills, checks, or orders, payable to bearer, other than such as are made payable on demand. The promissory notes made payable to any person or persons, and payable and negotiable at the office of discount and deposit of said bank, or at any other bank, and indorsed to and discounted by said bank, shall be and they are hereby put on the same footing as foreign bills of exchange, and remedy may be had, jointly or severally, against the drawer and indorsers, and with like effect, except as to damages, and except that in a regular course of administration they shall have no other or greater

dignity or priority of payment than other notes; and the said bank shall not, directly or indirectly, deal or trade in any thing except in loaning money and exchange, and in gold or silver coin and bullion, or in the sale of goods, chattels, rights, credits, really and truly pledged for money lent, and not redeemed in time, or goods which shall be the proceeds of its lands.

§ 3. The bank notes to be issued by said bank shall be signed by the president of the bank, and countersigned by the cashier thereof; and said bank shall be restrained from issuing checks or orders payable to any person or order, or to any person or bearer, with the intent that the said checks or orders shall circulate as bank notes.

§ 4. Said bank shall not, at any time, owe, whether by bond, bill, note, or other contract, an amount exceeding twice the amount of the capital stock actually paid in, exclusive of sums due on deposits; and, in cases of excess, the president and directors, under whose administration it shall have taken place, shall be liable for any or all of the debts of said bank, in their individual capacities, by a joint or several actions or modes of proceedings usual in the courts of this commonwealth against them, or any of them, their heirs, executors, or administrators, in any court having jurisdiction thereof, by any creditor or creditors of said bank, and shall be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding: *Provided*, that if the president or any of the directors may be absent when the excess may be contracted or created, or being present, shall dissent from the act by which the excess is about to be contracted or created, he or they shall not be liable, under this section, if he or they shall, within ten days from the creation of such excess, or discovery thereof, make affidavit of their absence or dissent, and file the same for record with the recording officer of the county; and shall, moreover, within ten days, give notice thereof in one of the public newspapers printed in this state, and transmit a copy thereof to the governor of this state, for the time being; and shall, in said notice, call a meeting of the shareholders, which they are hereby authorized to do.

§ 5. Said bank shall not, at any time, suspend, fail, or refuse payment, in gold or silver, of any of its notes, bills, or other obligations, due and payable, or any moneys on deposit; and, in such case, if the officers in the usual banking hours, at the banking house, shall refuse payment in gold or silver, of the amount of any note there demandable and presented for payment, or the payment of any money previously deposited at such office, and then due and demandable, by any person or persons entitled to receive payment of the same, said bank shall be liable to pay damages at the rate of six per cent. per annum, and interest at the same rate, on the amount thereof, from the time of such failure or refusal until payment thereof; and for such failure or refusal, or for any violation of this charter, the same may be forfeited; and a *scire facias* may be sued out in the name of the commonwealth, by the attorney general, by order of the governor for the time being; and such proceedings may be had, as to declare such forfeiture, by the judgment of a court; and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted: *Provided*, said forfeiture shall not be construed to prevent said bank from suing and being

sued, and continuing its operations for the purpose of closing its concerns, nor from making any contracts that may be convenient and proper for that purpose.

§ 6. The real and personal estate, business, property, funds, and prudential concerns of said bank, and the administration of its affairs, shall be under the direction, management, and control of nine directors, chosen as hereinafter directed. They shall be stockholders, and after the first election, shall have been stockholders at least three months previous to their election. They shall be resident citizens of the United States, a majority of whom shall reside in the state of Kentucky; and, after the first election, they shall be elected annually on the first Monday in May in each year. Each director shall be a stockholder in his own right; they shall hold their offices for one year, and until their successors shall be chosen. The directors shall be chosen by the shareholders, who shall meet at the annual elections in the town of Milton, at such time and place as the directors, for the time being, shall direct; and notice of the time and place of holding the annual elections shall be published in at least two authorized newspapers, thirty days next preceding the election. The election shall be by plurality of votes, to be counted and read in public, after all the votes are taken; the election shall be conducted under the direction of three shareholders, acting under oath, and previously chosen by the directory, and not of their own body. No person, who is a director or officer of another bank, shall be eligible as a director of this bank; and any director becoming a director or officer in another bank, or while under protest in this bank for the non-payment of debts, shall be held to have vacated the office of director of this bank; nor shall two partners in trade be eligible as directors in this bank at one and the same time; and if the president, cashier, or any director shall fail, or become insolvent, after his election or appointment, he shall become incapable to serve as an officer in this bank, and shall be held to have vacated his office or place; nor shall he be appointed to serve in this bank until his debts are paid, and until he obtains a full discharge from the same. If, from any cause, an election shall not take place on the day fixed by this charter, the corporation for that cause, shall not be dissolved, but the stockholders may hold an election on any other day the by-laws shall direct.

§ 7. At all meetings of the stockholders, and at all elections under this charter, each and every shareholder, whether individuals, companies, or corporations, shall be entitled to one vote for each share held in their own right, up to fifty shares, and for every five shares, over fifty, up to one hundred, one vote; and for every twenty shares, over one hundred, one vote. After the first election, no share shall entitle the holder to a vote, unless the same has been held by the person claiming to vote on the same, at least three months prior to that time, and so appear on the books of the bank. Any stockholder entitled to vote may do so in person or by proxy; such proxy being granted to a stockholder who is not the president or a director, the clerk, cashier, or teller of the bank; and any stockholder, who is not a resident of the United States, shall not be entitled to vote on his stock.

§ 8. The directors chosen under the provisions of this charter, shall, as soon as may be after the first, and every annual election, or other

election of directors, elect a president from their own body, who shall preside at the board until the next election; and in case of the death, absence, or resignation, or vacation of the office of president, the residue of the directors shall choose a president *pro tempore*. They shall fill all vacancies which may occur in their own body, during the time for which they were chosen, and appoint a cashier, clerk, agents, or servants of the bank, fix their compensation, define their powers, and prescribe their duties; and shall require of them such bonds, and in such penalties, as they may deem right; which bonds shall be laid monthly before the directory, and entry made thereof on record; and the directory may, from time to time, require such additional bonds and sureties, with such penalties and conditions as in their opinion will secure the bank from loss or damage; and all such officers shall hold their places during the pleasure of the president and directors.

§ 9. The president and directors of the bank, (any five of whom shall form a quorum for the transaction of business,) may, from time to time, make such by-laws, rules, and regulations for their own government, and for the management and disposition of the property, estate, funds, and business of the bank, and all matters appertaining thereto, which they may deem expedient, not contrary to the provisions of this charter, or the by-laws, rules, and regulations which the stockholders, at their annual or other meetings may, from time to time, prescribe: *Provided, however,* that a concurrence of a majority of all the directors shall be necessary in the adoption of any of the by-laws of the institution.

§ 10. The president and directors shall hold stated meetings at least once a week, on such days, and at such hour of the day as they may, from time to time, appoint, and at such other times as they may agree upon; and they shall attend called meetings at any time the president shall direct; and all questions before the board shall be decided *viva voce*; and, on the request of any two members, the yeas and nays on any proposition submitted, shall be entered or recorded on the journal of their proceedings; and no vote shall be reconsidered when a less number are present than when the vote was given.

§ 11. No dividends of the profits of said bank shall be declared until there shall be a surplus of one thousand dollars for each one hundred thousand dollars of the capital stock actually paid in; and the surplus or contingent fund thus raised, shall never be reduced below that ratio, on all stock paid for; and it shall be the duty of the president and directors of the bank, on the first Monday in January and July of each year, to declare a dividend of the profits over and above the contingent fund aforesaid, among the stockholders, payable to them on demand; of which dividend, and the time and place of payment, notice shall be given. And if, at any time, said president and directors shall declare a dividend lessening the capital stock, or lessening the contingent fund aforesaid, or by any mismanagement or neglect of duty shall cause any loss or deficiency of or in the capital stock of said bank, the directors consenting thereto, or guilty of such mismanagement or neglect of duty, shall be jointly and severally liable to the stockholders, or any creditor of said bank, who may be injured thereby; and the president and each director shall be deemed guilty of such management or neglect, or to have consented to such dividends, unless he forthwith give notice of his

dissent thereto, or his absence from the institution, in like manner as provided in the fourth section of this charter, and call a meeting of the stockholders as herein provided.

§ 12. It shall be the duty of the cashier of the bank, on the first day of July after said bank shall have gone into operation, and on the first day of July in each succeeding year, during the continuance of this charter, to pay to the treasurer of this commonwealth fifty cents on each hundred dollars of stock held and paid for in said bank, which shall be in full of all tax or bonus: *Provided*, that the tax or bonus hereby proposed to be imposed on each share of stock in this bank, is hereby set apart and forever dedicated to the cause of education, on the common school system; and whenever the same, or any part thereof, shall be diverted otherwise, by legislative enactment, said bank shall then be exonerated from the payment of any tax or bonus whatever.

§ 13. The board of directors of the bank shall allow to the president thereof such reasonable compensation for his services as they may, from time to time, deem just; but no compensation shall be allowed any director of the bank for his services as such director, unless the same be voted by the stockholders at some regular meeting.

§ 14. It shall be the duty of the president and directors of the bank, and they are hereby required, as often as once in three months, to cause a strict examination to be made of the accounts of the cashier, and a full and complete statement to be made and entered on the journal of the proceedings of the board.

§ 15. That it shall not be lawful for the cashier, clerk, teller, or other subordinate officer of the bank, either directly or indirectly, to engage in or carry on any other business than that of said bank, without the special license of the president and directors of the bank; nor shall any of them, either directly or indirectly, become indebted to said bank, either as borrower, indorser, surety, or otherwise.

§ 16. If the cashier, clerk, teller, agent, or other officer of the bank, shall, without the authority of the president and directors of the bank, appropriate any of the funds of said corporation to his own use, or to that of any other person, or shall willfully fail to make correct entries, or shall knowingly make false entries on the books of the bank, with intent to cheat or defraud the corporation or any person, to hide or conceal any improper appropriation of the funds of the corporation, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this state for a period of not less than five nor more than twenty years.

§ 17. The president and directors of the bank shall keep a record or journal of all their proceedings, which they shall produce to the stockholders when by them demanded, at any regular meeting; and they shall be open to inspection to any committee appointed by the legislature.

§ 18. It shall be the duty of the president and directors of the bank, during the first week of the session of the legislature in each year, to transmit to the secretary of state an accurate and just statement of the condition of the bank, as it existed on the first day of the preceding month; which statement shall specify the amount of capital stock actually paid

in, and the amount not paid in, and the value of the real estate belonging to the bank, and its cost, the total amount of debts due to and from the bank, the amount of gold and silver and other coined metal and bullion on hand, the amount deposited, the amount of bills in circulation, and the amount of bills on hand of other incorporated banks; and the amount of notes in circulation of each denomination issued by the bank, the rate and amount of dividend and profits made by the bank, with the amount of the surplus profits or the contingent fund; which statement the governor of the commonwealth shall cause to be laid before the legislature of Kentucky; and they shall, when required by the legislature, report all bad and doubtful debts.

§ 19. The president, directors, cashiers, clerks, tellers, and other officers of the bank, previous to entering on the discharge of their duties, shall take an oath before some justice of the peace of this state, faithfully, honestly, impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices and stations, under this charter, or which may be required of them by the by-laws, rules, and regulations of the corporation.

§ 20. Said bank shall not contract for, or receive greater rate of interest than at the rate of six per centum per annum for the loan or forbearance of money and interest on promissory notes, negotiable and payable at said bank, and their discount shall be calculated on the true time such notes have to run, including three days of grace, and shall be paid in advance and on banking principles, in conformity with Rowlett's tables of discount and interest.

§ 21. That the president and directors shall issue certificates of stock, to the holders thereof, for so much as shall be paid for; and the shares of the capital stock of said bank shall be considered and held, in law, as personal property, and assignable and transferable only in such manner, and at such places as the president and directors of the bank shall, by their by-laws, prescribe.

§ 22. The certificates of deposit, bank bills or notes, bills of exchange, post notes, or orders issued by said bank, shall be signed by the president and countersigned by the cashier, promising or requesting the payment of money to any person or persons, and to order or bearer, as the case may be, shall be obligatory on said bank, although not under its seal; and such of said notes or bills as shall be payable to order, shall be transferable by assignment, and those made payable to bearer, by delivery.

§ 23. That the general meeting of the stockholders shall be held annually, on the first Monday in May in each year, in the town of Milton, at the time of the annual elections; to which meetings the president and directors of the principal bank shall present an accurate statement of the condition and affairs of the bank; and general meetings of the stockholders may be called as provided in the charter, or by the president and directors of the bank, when they esteem it desirable, or by any number of stockholders the by-laws of the corporation shall require.

§ 24. The legislature shall have the right to investigate the situation and affairs of said bank, by any committee they may appoint for that purpose, from time to time.

§ 25. The circuit court of the county of Trimble shall have jurisdic-

tion to try the forfeiture of this charter, for the violation of any of the provisions of the same. The proceedings shall be by *scire facias*, alleging and specifying the acts of forfeiture relied on; and shall only be sued out at the instance of the attorney general, when directed to do so by order of the legislature or the governor for the time being; from the decisions of which court, appeals may be taken as in other cases.

§ 26. That Thomas S. Blandford, William Suyaer, Robert J. King, John B. Floyd, and Robert B. Gray, of the county of Trimble, are hereby appointed and constituted commissioners to open books and receive subscriptions for the stock of said bank, at Milton; and any three of them shall superintend the election of the first board of directors.

§ 27. The said commissioners shall have power, and they are authorized and required, at such time as they may deem it expedient, after giving twenty days notice thereof in some of the newspapers printed in this state, to open books for the subscription of capital stock of said bank at Milton, and such other places as the commissioners may deem advisable, and cause the books to be kept open until at least two thousand shares of stock shall have been subscribed for the bank, when the same may be closed. The said commissioners at Milton may appoint commissioners in any town or city in the United States to receive subscriptions of stock.

§ 28. If the whole four thousand shares of capital stock shall not be taken when the books of subscription shall first be opened by the commissioners, the president and directors may cause the books to be opened, from time to time, and at such times and places as they may direct, and cause them to be kept open, if they choose, until the whole balance shall be taken; and the president and directors may require such premium on the stock sold, at the re-opening of books, as they shall deem right; and such premium shall be the property of the bank.

§ 29. When not less than two thousand shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice in some public newspaper printed in this state, and appoint a day and place in the town of Milton for the election of the first board of directors for said bank, who shall hold their offices until the next succeeding annual election; and not less than thirty nor more than sixty days notice shall be given of the time and place of electing the said board of directors; and some three of the commissioners shall act as inspectors of the election, and shall take the proper oaths, and perform all duties of inspectors of elections in like cases.

§ 30. The payment of the shares of the capital stock held by individuals, companies, and corporations, shall be in gold and silver, and at the times and in the manner following, to-wit: five dollars on each share to the commissioners, at the time of subscribing; and five dollars on each share within ten days after the election of the first board of directors; and twenty dollars on each share within sixty days thereafter; and the residue shall be paid in such installments as the president and directors of the bank shall require: *Provided*, that no more than twenty dollars shall be called at any one time, on each share, nor shall the time between the calls be less than one hundred and twenty days.

§ 31. Should any of the subscribers to the capital stock of said bank

fail or refuse to pay for their stock, as herein provided, the president and directors, first giving public notice in at least two newspapers printed in this state, for the space of thirty days, by a resolution entered on the records, may forfeit such stock, and proceed, at such time as they may deem expedient, to re-sell the same; and all partial payments made on any stock which shall be forfeited, shall be held for the benefit of the bank.

§ 32. So soon as sixty thousand dollars of capital stock shall have been paid in by individuals, corporations, and companies, in gold or silver, the president and directors shall cause the governor of this commonwealth to be notified thereof, who is hereby authorized to appoint some suitable person to count the money so paid in as capital stock, and to take the oath of the president, and not less than two of the directors, that the same has been paid in as stock, *bona fide*, and make due return thereof to him; and on such appearing to be the fact, the governor is authorized to issue his proclamation, that the amount hereby required to be paid in, and in the funds required, has been done, and the said bank is authorized to commence operations as a banking institution; and from and after the first proclamation it shall be lawful for said bank to commence business.

§ 33. If any stockholder or stockholders in said bank, who shall not be a resident or residents of the United States, shall vote, or authorize any person to vote at the election of directors for said bank, upon the stock held by such person or persons, not a resident or residents of the United States, or which may be held by others for his or their use and benefit, that such stock, so held and may have been voted upon, or authorized to be voted upon, at any of the elections for directors of said bank, shall be forfeited by such stockholder or stockholders, to and for the use of said bank.

§ 34. The bills or notes of said corporation, originally made payable to bearer, shall be receivable in all payments to the state, and on account of county levies, so long as it shall redeem its notes in gold or silver, on demand, unless otherwise directed by law.

§ 35. No person shall be eligible to the office of director in the bank, who is not the owner of stock, in his own right, at the time of his election or appointment.

§ 36. It shall not be lawful for the president or any director of the bank, to become bound as surety or accommodation indorser on any note or bill discounted in said bank; and a violation of any of the provisions of this section shall subject the person violating the same to the penalty of two thousand dollars, to be recovered by action or petition, in the name of the corporation, and for their use and benefit.

§ 37. Said bank shall not make any loan of money, or discount any note or bill, on the pledge of the stock of said bank, whatever; and no stockholder shall be allowed to pay any debt he may owe the bank, by the surrender of the stock of the bank, until all the notes of the bank shall have been redeemed, and all the debts of the bank paid; and stockholders who shall become indebted to the bank, shall be compelled to pay their debts, in all respects, as other persons dealing with the bank; nor shall any stockholder be allowed to make payment of the shares of stock held by him, by means of a loan or loans obtained from

said bank; nor shall any stockholder, while indebted to said bank, transfer his stock therein, without the consent of the board of directors of said bank.

§ 38. The president and directors of the principal bank shall cause their cashier to make semi-annual reports to them on the first day of January and July in each year, in alphabetical order, of all the debts due said bank, setting out the amount due by each individual, with the names of the indorsers or securities, and a note of the other securities, the date of the notes or bills, and when payable.

§ 39. The president and directors of the bank shall have power and authority to purchase and to transfer any scrip or bonds which may be issued by the state: *Provided*, not more than one half the capital stock of said bank paid in, be held in such scrip or bonds at the same time.

§ 40. Notes to be issued by said bank, of a denomination less than five dollars, may be signed by the president or cashier of said bank, without being countersigned by any other officer.

§ 41. The president and directors of the bank may, under the direction of such agent or agents as they may think proper to appoint, open and keep open books for the transfer of the stock of said bank, at such places, and under such rules and regulations, as they may deem proper.

§ 42. Nothing in this charter, or act of incorporation, shall be construed so as to prevent the bank to be established at Milton from going into operation whenever two hundred thousand dollars of stock shall be subscribed and taken, and the sum of sixty thousand dollars shall have been paid in, as required in sections twenty-nine and thirty-two.

Ordered, That said bill be read a second time.

The constitutional provision as to the 2d reading of said bill being dispensed with.

Mr. Barnes moved to lay said bill on the table, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barnes and Cunningham, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	Ira Ellis,	Reuben Munday,
William J. Berry,	Ben. Hardin,	Thompson S. Parks,
Thomas J. Blincoe,	William A. Hooe,	James F. Robinson,
Eli Bozarth,	Preston H. Leslie,	John Shawhan,
Abram I. Caldwell,	Thomas N. Lindsey,	John D. Taylor—17.
John Cunningham,	Lewis L. Mason,	

Those who voted in the negative, were

Henry G. Bibb,	John A. Goodson,	Shelby Stone,
Wallace W. Brown,	Martin D. McHenry,	John J. Thomasson,
Radford M. Cobb,	James P. Orr,	John C. Walker.—11
Richard D. Gholson,	William Preston,	

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of Ezekiel Brashiers, late clerk of Letcher county.

2. An act for the benefit of James Bevins.

3. An act concerning Kentucky river navigation.

Which were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st and 2d were ordered to be read a third time; and the 3d was referred to the committee on Finance.

The constitutional provision as to the third reading of the 1st and 2d bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz:

An act requiring the Clerk of the Mercer Circuit Court to index and cross index the records of said court.

An act in relation to the Harrodsburg, Cane Run, and Big Spring Turnpike Road Company.

An act to amend the charter of the Louisville and Frankfort Railroad Company.

An act to authorize the county of Henry to subscribe stock in the Louisville and Covington Railroad Company.

An act for the benefit of John Crume.

An act for the benefit of the infant children of Alexander Hammond, deceased.

An act to incorporate the Hall of Simpson Benevolent Lodge, No. 177, Ancient Free and Accepted Masons.

An act to charter the Mountsterling and Paris Railroad Company.

An act to amend the act incorporating the town of Mountsterling, and to provide for the appointment of a watchman for said town, and for the county of Montgomery.

An act to authorize the sale of a parsonage in Green county.

An act to provide for and secure the registration of births, deaths, and marriages, in Kentucky.

An act to authorize the trustees of the town of Uniontown to license coffee houses

An act to incorporate the Versailles and Wodford Railroad Company.

An act to incorporate the General Association of Baptists in Kentucky.

An act to change the time of holding the quarterly courts for the county of Bath.

An act to incorporate Devotion Lodge, No. 160, of Free and Accepted Masons.

That they had disagreed to the amendments proposed by the Senate,

to a bill from that House, entitled, an act to amend an act, entitled, an act to incorporate the town of Campbellsville.

That they had concurred in the amendments proposed by the Senate, to bills from that House, of the following titles, viz :

An act allowing an additional Magistrates' and Constable's district in Pulaski county.

An act authorizing the County Judge of Oldham to alter Lagrange district.

An act to incorporate the New Orleans and Ohio Railroad Company.

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act for the appropriation of money, were taken up.

The 32d item of said bill reads as follows, viz :

To Rev. Stuart Robinson, G. W. Smiley, J. Lancaster, B. Mills, and J. N. Norton, *ten* dollars each, for services in opening the sessions of the two houses, respectively, with prayer.

One of the amendments proposed by the House of Representatives is to strike out "*ten*," and insert "*twenty-five*."

And the question being taken on concurring in said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Elliott, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Ira Ellis,	James P. Orr,
Henry G. Bibb,	Ben. Hardin,	Thompson S. Parks,
Thomas J. Blincoc,	William A. Hooe,	Jefferson Percifull,
Eli Bozarth,	Preston H. Leslie,	William Preston,
Abram I. Caldwell,	Thomas N. Lindsey,	James F. Robinson,
Radford M. Cobb,	Martin D. McHenry,	Shelby Stone,
Joseph S. Conn,	Isaac P. Miller,	John D. Taylor,
John Cunningham,	Reuben Munday,	John C. Walker—25.
John L. Elliott,		

Those who voted in the negative, were

William Bradley,	Richard D. Gholson,	John Shawhan,
Wallace W. Brown,	Lewis L. Mason,	Thomas J. Smith—6.

Another amendment proposed by the House of Representatives, is to add to said bill the following :

That the sum of two hundred dollars per annum., be allowed the President of the Board of Internal Improvement, to enable him to employ a secretary to do the business of the board.

And the question being taken on concurring in said amendment, it was decided in the negative, (a majority of all the members elected to the Senate not voting therefor.)

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	John L. Elliott,	Isaac P. Miller,
Henry G. Bibb,	Ira Ellis,	James P. Orr,
Thomas J. Blincoe,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	Preston H. Leslie,	James F. Robinson,
Joseph S. Conn,	Thomas N. Lindsey,	Shelby Stone,
John Cunningham,	Martin D. McHenry,	John D. Taylor—18.

Those who voted in the negative, were

Eli Bozarth,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Lewis L. Mason,	John Shawhan,
Wallace W. Brown,	Reuben Munday,	Thomas J. Smith—11.
Richard D. Gholson,	Thompson S. Parks,	

Mr. Percifull moved a reconsideration of the vote rejecting said amendment.

And the question being taken thereon, it was decided in the affirmative.

The question was again taken on concurring in said amendment, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Ira Ellis,	James P. Orr,
Henry G. Bibb,	John A. Goodson,	Jefferson Percifull,
Thomas J. Blincoe,	Ben. Hardin,	William Preston,
Abram I. Caldwell,	Preston H. Leslie,	James F. Robinson,
Radford M. Cobb,	Thomas N. Lindsey,	Shelby Stone,
Joseph S. Conn,	Lewis L. Mason,	John D. Taylor,
John Cunningham,	Martin D. McHenry,	John C. Walker—23.
John L. Elliott,	Isaac P. Miller,	

Those who voted in the negative, were

Eli Bozarth,	William A. Hooe,	John Shawhan,
William Bradley,	Reuben Munday,	Thomas J. Smith—8.
Richard D. Gholson,	Thompson S. Parks,	

The Senate took up for consideration the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act declaring the Somerset Gazette an authorized newspaper, which were twice read and concurred in.

Mr. Ellis, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz :

An act supplemental to an act, entitled, an act to amend the charter of the Louisville and Nashville Railroad Company, approved March 5, 1850, and for other purposes.

An act to amend an act, entitled, an act to charter the town of Simpsonville, in Shelby county.

An act to authorize the County Court of Daviess, and other counties so disposed, to subscribe stock in the Louisville and Mississippi Railroad Company, and in the Louisville and Nashville Railroad Company.

An act for the benefit of School districts Nos. 28 and 29, in Mercer county.

An act to incorporate the Frankfort and Midway Turnpike Company.

An act for the benefit of School district No. 29, in Owen county.

An act for the benefit of the Louisville and Oldham Turnpike Road Company.

An act for the benefit of the administrators of Dixon Givens, deceased.

An act to incorporate the Danville, Somerset, and Knoxville Railroad Company.

An act to incorporate Mills' Point Lodge, No. 120, of Free and Accepted Masons.

An act for the benefit of the Police Judge of the towns of Hickman and Owenton.

An act to establish a Sinking Fund for the county of Bourbon, and to provide for the appointment of Commissioners therefor.

An act allowing an additional Magistrates' and Constable's district in Morgan county.

An act to authorize the county of Henry to subscribe stock in the Louisville and Covington Railroad Company.

An act to amend the charter of the Covington and Lexington Railroad Company.

An act to amend an act, entitled, an act to incorporate the Georgetown and Louisville Branch Railroad.

An act to incorporate the Phoenix Insurance Company.

An act for the appropriation of money.

An act to adopt the revised statutes.

An act requiring the Mercer Circuit Court, to index and cross index certain record books.

An act to amend an act incorporating certain turnpike road companies in the county of Garrard.

An act calling a convention in the city of Newport.

An act for the benefit of School district No. 29, in Owen county.

An act to allow a Police Judge and Town Marshal to the town of Cornishville, in Mercer county.

An act to authorize the Oakland Plank Road Company to construct a branch road.

An act giving Julius Hacker, sheriff of Owsley county, further time to return his delinquent list.

An act changing the time of holding the Estill and Franklin Circuit Courts.

An act for the benefit of the Deaf and Dumb Asylum of Kentucky.

An act to provide for an additional Magistrates' and Constable's district No. 9, in Caldwell county.

An act to establish and incorporate the town of Bloomington, in Franklin county.

An act to define the boundaries of the city of Louisville.

An act to repeal all laws authorizing the County Court of Perry county to remove the mill dam of James Johnston across the Middle Fork of the Kentucky river.

An act to amend an act, entitled, an act to take the sense of the people of Owsley county for the purpose of changing the county seat of said county.

An act to legalize certain surveys in Knox and Clay counties.

An act to incorporate the Baptist Church at Lancaster, Garrard county.

An act fixing the time of holding the Circuit Courts in the 12th Judicial District.

And enrolled bills which originated in the House of Representatives, of the following titles, viz :

An act regulating the fees and duties of the sealer of weights and measures in the county of Jefferson.

An act for the benefit of John Bell, Jr.

An act making additional voting places in districts Nos. 3 and 7, and changing the place of voting in district No. 4, in Greenup county.

An act to amend the city charter of Covington.

An act for the benefit of John Riley.

An act for the benefit of the Sheriff of Bath county.

An act for the benefit of the Sheriff of Caldwell county.

An act to authorize the County Court of Harrison county to borrow money.

An act to amend an act incorporating the Bardstown Female Academy.

An act to authorize the County Court of Allen to re-district election precincts, and establish one additional Justices' district and election precinct in said county.

An act to establish the Parochial School of Elkton, Todd county.

An act incorporating the People's Hydropathic, Literary, and American Reform College, of Kentucky.

An act to establish the offices of Police Judge and Town Marshal in the town of Milburn, in Ballard county.

An act for the benefit of the Sheriff of Grant county.

An act to allow an additional magistrates' and constable's district in the county of Owsley.

An act repealing the law requiring the Wayne County Court to erect and keep a Stray Pound.

An act to authorize the town of Columbus to take and hold stock in the Ohio and Mobile Railroad Company.

An act to amend the charter of the Kentucky Female Orphan School.

An act to authorize the County Court of McCracken to levy an *ad valorem* tax to build a court house and jail.

An act authorizing the Judge of the Hart County Court to hold a July term of said court, and regulating the time of holding the Boyle county court.

An act to amend an act to reduce into one the several acts relating to the town of Glasgow.

An act to incorporate the Lexington and Cumberland Railroad Company.

An act to establish the county of Powell.

An act to authorize the people of Fayette to provide for the erection of a new Court House.

An act for the benefit of the town of Dycusburg, in Crittenden county.

An act to incorporate the Napoleon and Big Bone Lick Turnpike Road Company.

An act to authorize the town of Paducah to subscribe stock in certain railroads.

An act to incorporate Albion Female Collegiate Institute.

An act to charter the Hamilton and Union Turnpike Road Company.

An act to authorize the County Court of McCracken to subscribe stock in certain railroads.

An act to incorporate the Newport Fuel Company.

An act for the benefit of the infant heirs of Elisha M. Ford.

An act to amend an act, entitled, an act to extend the limits of the town of Hopkinsville, approved, Feb. 4, 1846.

An act to amend an act, entitled, an act prescribing the means and mode of opening and working roads in Boone county.

An act to incorporate Adams' Fork Lodge, No. 179.

An act to authorize the County Court of Hickman to take and hold stock in the Ohio and Mobile Railroad Company.

An act in relation to the districts in Franklin county.

An act incorporating the Louisville Locomotive Works.

An act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company.

An act to incorporate the Crab Orchard and Mount Vernon Turnpike Road Company.

An act to incorporate certain turnpike roads in the county of Garrard.

An act to incorporate the Nashville and Cincinnati Railroad Company.

An act for the benefit of George W. Lewis.

An act to extend the corporate limits of the town of Henderson, in Henderson county.

An act to grant certain privileges to the Dutch Ridge Company.

An act to incorporate the Presbyterian Academy of Greenville.

An act to amend an act, entitled, an act to charter the city of Louisville, approved March 24, 1851, and for other purposes.

An act to incorporate the town of Calhoun, in Daviess county.

An act authorizing James Haggard to solemnize marriages.

An act for the benefit of the sheriffs of Henry, Owen, Knox, Perry, and Wayne counties.

An act for the benefit of the heirs of James Gay, deceased.

An act for the benefit of the Gallatin County Academy, and Common School district No. 1, in Carroll county.

An act for the benefit of the Louisville and Covington Railroad Company.

An act to incorporate the Maysville and Blue Run Plank or Turnpike Road Company.

An act to incorporate the Peoples' Turnpike Road Company.

An act to charter the Hamilton Turnpike Road Company.

And had found the same truly enrolled.

Said bills having been signed by the speaker of the House of Representatives, the speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Ellis reported that the committee had performed that duty.

The Senate took up for consideration the amendments proposed by the House of Representatives, to the amendments of the Senate, to a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad, and the act amending the same, approved March 20, 1851.

Mr. Bradley moved to amend the amendments proposed by the House of Representatives, to the amendments of the Senate, as follows, viz:

That the county of Hopkins shall be exempt from the provisions of said act, in relation to the imposition of any tax on the citizens thereof.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bradley and Hooe, were as follows, viz :

Those who voted in the affirmative, were

Henry G. Bibb,	Richard D. Gholson,	Lewis L. Mason,
Thomas J. Blincoe,	Ben. Hardin,	Thompson S. Parks,
Eli Bozarth,	William A. Hooe,	Jefferson Percifull,
William Bradley,	Preston H. Leslie,	Shelby Stone—12.

Those who voted in the negative, were

Sidney M. Barnes,	John A. Goodson,	James F. Robinson,
Abram I. Caldwell,	Martin D. McHenry,	Thomas J. Smith,
Joseph S. Conn,	Isaac P. Miller,	John D. Taylor,
John Cunningham,	James P. Orr,	John C. Walker—14.
Ira Ellis,	William Preston,	

The Senate took up for consideration the amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to define the boundaries of the city of Louisville, which were twice read and concurred in.

The Senate also took up for consideration a resolution from the House of Representatives fixing the day for the final adjournment of the General Assembly.

Said resolution reads as follows, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That when the senate and house of representaves adjourn on this day, they will adjourn to meet again on the 9th instant; and when they adjourn on the 12th instant, they will adjourn sine die.

Mr. Bozarth moved to lay said resolution on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and Brown, were as follows, viz :

Those who voted in the affirmative, were

Sidney M. Barnes,	Abram I. Caldwell,	Jefferson Percifull,
William J. Berry,	Radford M. Cobb,	William Preston,
Henry G. Bibb,	Ira Ellis,	James F. Robinson,
Thomas J. Blincoe,	Richard D. Gholson,	Thomas J. Smith,
Eli Bozarth,	Preston H. Leslie,	Shelby Stone,
William Bradley,	Thomas N. Lindsey,	John C. Walker—20.
Wallace W. Brown,	Reuben Munday,	

Those who voted in the negative, were

Joseph S. Conn,
John Cunningham,
John A. Goodson,
Ben. Hardin,
William A. Hooe,

Lewis L. Mason,
Martin D. McHenry,
Isaac P. Miller,
James P. Orr,

Thompson S. Parks,
John Shawhan,
John D. Taylor,
John J. Thomasson—13.

Mr. Robinson, from the committee on the Judiciary, reported a bill to provide for printing and publishing the Revised Statutes, and compensating the Commissioners, which was read the first time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Squire Turner, Samuel S. Nicholas, and Charles A. Wickliffe, be paid out of any money in the treasury not otherwise appropriated, the sum of two thousand dollars, each, for their services in preparing and reporting to the general assembly a revision of the statutes.

§ 2. That Charles A. Wickliffe, one of said commissioners, be directed to prepare an index to the act to revise the statutes, and superintend the arranging and printing of the same in a volume, together with the constitution of 1799, and the constitution of 1850, the constitution of the United States, the compact with Virginia, the acts of congress in relation to aliens, and the acts of congress in relation to the surrender of fugitives from labor, and the acts of a general nature, passed at the present session, under appropriate heads.

§ 3. That the public printer print three thousand copies of said work on the best paper used for law printing, and cause the same to be bound in good and substantial law binding for the use of the state.

§ 4. That copies of said work be distributed to all persons and officers of government to whom the general acts of assembly are distributed under existing laws.

§ 5. That said Wickliffe be allowed the additional sum of one hundred and fifty dollars, as compensation for his services rendered during the present session of the legislature, under the direction of the general assembly, which is ordered to be paid out of any money in the treasury not otherwise appropriated.

§ 6. It shall be the duty of the secretary of state to file the title of said work in the office of the district court, and have the copyright thereof secured to the secretary of state for the use of this state.

Ordered, That said bill be read a 2d time.

The constitutional provision as to the 2d reading of said bill being dispensed with,

Mr. Hardin moved to amend said bill in the first section, by striking out "two thousand dollars," as the compensation to the commissioners, and inserting in lieu thereof, "one thousand dollars."

Mr. Hardin called for a division of the question.

And the question being taken on striking out, it was decided in the affirmative.

Mr. McHenry moved to fill the blank with \$1500.

And the question being taken thereon, it was decided in the negative

The yeas and nays being required thereon, by Messrs. Hardin and Preston, were as follows, viz :

Those who voted in the affirmative, were

Abram I. Caldwell,	Thomas N. Lindsey,	William Preston,
Joseph S. Conn,	Martin D. McHenry,	James F. Robinson,
John A. Goodson,	Isaac P. Miller,	John D. Taylor—10.
William A. Hooe,		

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	James P. Orr,
Henry G. Bibb,	Richard D. Gholson,	Thompson S. Parks,
Thomas J. Blincoe,	Ben. Hardin,	Jefferson Percifull,
Eli Bozarth,	Preston H. Leslie,	John Shawhan,
William Bradley,	Lewis L. Mason,	Thomas J. Smith,
Wallace W. Brown,	Reuben Munday,	Shelby Stone—19.
Radford M. Cobb,		

Mr. Cunningham moved to fill the blank with \$1250.

And the question being taken thereon, it was decided in the negative.

The question was then taken on filling the blank with \$1000, and it was decided in the affirmative.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz :

Those who voted in the affirmative, were

Thomas J. Blincoe,	John A. Goodson,	Thompson S. Parks,
William Bradley,	Ben. Hardin,	Jefferson Percifull,
Wallace W. Brown,	William A. Hooe,	William Preston,
Abram I. Caldwell,	Preston H. Leslie,	James F. Robinson,
Radford M. Cobb,	Thomas N. Lindsey,	John Shawhan,
Joseph S. Conn,	Martin D. McHenry,	Shelby Stone,
John Cunningham,	Isaac P. Miller,	John D. Taylor,
Ira Ellis,	Reuben Munday,	John C. Walker—24.

Those who voted in the negative, were

Sidney M. Barnes,	Eli Bozarth,	John G. McFarland—5.
Henry G. Bibb,	Richard D. Gholson,	

Resolved, That the title of said bill be as aforesaid.

Mr. Miller, from a select committee, reported a bill to authorize the annexation of the town of Portland to the city of Louisville.

Which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz :

An act to charter the Kentucky and Virginia Railroad Company.

An act to incorporate the Williamstown and Falmouth Turnpike or Plank Road Company.

An act to amend an act, entitled, an act to incorporate the Nashville and Cincinnati Railroad Company.

An act for the benefit of the sheriffs of Taylor and Oldham counties.

An act for the benefit of the sheriffs of Owen and Bracken counties.

An act authorizing the Judge of the Pendleton County Court, to alter or change any election, or justices district, or place of voting, in said county.

An act to change a road in Simpson county.

An act to change Justices' district No. 2, Spencer county.

An act to authorize the Judge of the Spencer Circuit Court to administer the oath of office, in vacation, to a deputy clerk.

An act to amend the boundary of Justices' district No. 3, in Taylor county.

An act appropriating the revenue of Muldrow's Hill Turnpike Road to Taylor county.

An act to amend the charter of the town of Bowlinggreen.

An act for the benefit of the Bowlinggreen and Tennessee Railroad Company.

An act amendatory of an act to incorporate the Danville, Somerset, and Knoxville Railroad Company.

An act authorizing the establishing of a road in Morgan county.

An act for the benefit of Benjamin F. Maxfield, of Boone county.

An act concerning Common Schools in the city of Louisville.

Which were read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act for the benefit of R. Johnson, of Nelson and Washington counties, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

The question was taken on ordering said bill to be read a third time, and it was decided in the negative. So said bill was disagreed to.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act for the benefit of Turner Wilson and Ben. Hardin, of Nelson county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Said bill was amended.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act to meet the deficit in the treasury, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	John Cunningham,	James P. Orr,
Henry G. Bibb,	John A. Goodson,	Thompson S. Parks,
Eli Bozarth,	William A. Hooe,	James F. Robinson,
William Bradley,	Preston H. Leslie,	John Shawhan,
Wallace W. Brown,	Thomas N. Lindsey,	John D. Taylor,
Abram I. Caldwell,	Lewis L. Mason,	John J. Thomasson,
Joseph S. Conn,	Martin D. McHenry,	John C. Walker—21.

Those who voted in the negative, were

Ben. Hardin,	Reuben Munday,	Shelby Stone—3.
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Resolved, That the title of said bill be as aforesaid.

Mr. McHenry, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate Union Division, No. 42, Sons of Temperance.

An act to incorporate Crittenden Division, No. 17, Sons of Temperance.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

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Resolved, That said bills do pass, and that the titles thereof be as afore-said.

Mr. Caldwell, from a select committee, reported a bill to amend the charter of the Danville and Hustonsville Turnpike Road Company, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as afore-said.

A message was received from the Governor, by Mr. Metcalfe, Assistant Secretary of State, announcing that he had approved and signed an enrolled bill, which originated in the Senate, of the following title, viz :

An act to adopt the Revised Statutes.

Approved January 7, 1852.

Mr. Lindsey moved the following resolution, viz :

Resolved, That the public printer forward to each Senator two hundred copies of the titles and synopses of the acts passed during the present session of the General Assembly.

Which was adopted.

Mr. Preston, from a select committee, reported a bill to provide for compensation to extra clerks, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as afore-said.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act to attach a portion of Perry county to Owsley county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be read a third time.

The question was then taken on dispensing with the third reading of said bill, and it was decided in the negative, four-fifths not voting therefor.

The yeas and nays being required thereon by Messrs. Barnes and Brown, were as follows, viz :

Those who voted in the affirmative, were

Henry G. Bibb,
Thomas J. Blincoe,
Eli Bozarth,

John A. Goodson,
William A. Hooe,
Lewis L. Mason,

Jefferson Percifull,
William Preston,
John Shawhan,

Wallace W. Brown,
Abram I. Caldwell,
Radford M. Cobb,

Martin D. McHenry,
Reuben Munday,
Thompson S. Parks,

Shelby Stone,
John J. Thomasson—17.

Those who voted in the negative, were

Sidney M. Barnes,
Joseph S. Conn,
John Cunningham,

Ben. Hardin,
Preston H. Leslie,
Thomas N. Lindsey,

James F. Robinson,
John C. Walker—8.

The Senate took up for consideration a bill from the House of Representatives, entitled, an act to remove the Seat of Justice of Washington county, which was read a second time, as follows :

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the officers holding elections at the several voting places in the county of Washington, at the August election in 1852, shall open a poll for and against the removal of the county seat of said county, from the town of Springfield to some more central point; and if it shall appear that two-thirds of all the legal voters of said county, who vote at said election, have voted for the removal, then the following commissioners shall proceed to locate the same, viz : Alvin Herndon, of the county of Anderson; William Morgan, of the county of Nelson; James Schooling, of the county of Marion; John R. Ford, of the county of Boyle; and Ludwell C. Cornish, of the county of Mercer; who, or a majority of whom, together with the county surveyor of Anderson county, shall proceed to locate the seat of justice for said county of Washington as near the centre of said county as practicable, taking into consideration convenience of situation, wood, and water; and when they ascertain and fix the location aforesaid, the county court of Washington county, to be composed of the presiding judge and a majority of the justices of the peace of said county, shall hold a court for the purpose of receiving the report of said commissioners and providing means, by levy or otherwise, for erecting the court house, jail, and clerks' offices, and all other necessary expenses in removing said county seat, and shall make all such orders as will fully and completely carry into effect and accomplish the removal and permanent location thereof, at the place designated by said commissioners, or a majority of them.

The question was taken on ordering said bill to be read a third time, and it was decided in the affirmative.

Mr. Blincoe moved to dispense with the third reading of said bill, and it was decided in the negative, four-fifths not voting therefor.

The yeas and nays being required thereon by Messrs. Hardin and Leslie, were as follows, viz :

Those who voted in the affirmative, were

Thomas J. Blincoe,
William Bradley,
Radford M. Cobb,
John A. Goodson,
Lewis L. Mason,

Reuben Munday,
James P. Orr,
Jefferson Percifull,
William Preston,

John Shawhan,
Thomas J. Smith,
Shelby Stone,
John J. Thomasson—13.

Those who voted in the negative, were

Sidney M. Barnes,	Joseph S. Conn.	Martin D. McHenry,
Henry G. Bibb,	John Cunningham,	Isaac P. Miller,
Eli Bozarth,	Ben. Hardin,	James F. Robinson,
Abram I. Caldwell,	Preston H. Leslie,	John C. Walker—12.

Mr. Robinson moved the following resolution, viz :

Whereas, time is necessary for the clerks to enroll the bills already passed by the legislature, and it would be inexpedient that those measures should be defeated from such a cause. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That after this day, no further bills shall be introduced or passed, and that when we adjourn on to-day we will adjourn to meet on the 9th instant, and when we adjourn on that day, we will adjourn *sine die*.

Which was adopted.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to provide for printing and publishing the revised statutes, and compensating the commissioners, with an amendment.

Said amendment was taken up, and is to strike out all after the enacting clause, and insert in lieu thereof the following, viz :

That the commissioners to revise and digest the civil and criminal statute laws of this commonwealth, be authorized and required to cause to be printed, in one volume, the digest of the statutes, as revised, amended, and approved by the general assembly of Kentucky at its last and present sessions. The number of copies to be printed, to be left at the discretion of the commissioners. The state of Kentucky is to be furnished with three thousand copies, printed upon type entirely new, and of the size now used for printing the session acts, and upon paper of superior quality, and bound in the very best style of sheep law binding. The volume to contain—

1. Declaration of Independence.
2. Constitution of the United States.
3. Laws of the United States in relation to naturalization ; authentication of records ; fugitives from justice, and fugitives from labor.
4. The old and new constitutions of the state of Kentucky.
5. The compact with Virginia.
6. The Revised Statutes, adopted at the last and present sessions of the general assembly of Kentucky, together with all the general laws adopted at the present session, not embraced in the Revised Statutes, to be digested without changing the spirit or meaning thereof. The chapters of the Revised Statutes to be arranged in alphabetical order, with a table of contents and marginal notes to each chapter, and a complete index to the whole volume.

§ 2. The book to be printed, and the three thousand volumes to be delivered to the secretary of state on or before the twentieth day of June, 1852.

§ 3. The commissioners to have the right to take out a copyright, under the laws of the United States, for said book, and to be bound to furnish the state, during its continuance, with any number of copies that

the general assembly may require, at the price, per volume, paid for the three thousand copies.

§ 4. Upon the delivery of the three thousand volumes into the office of secretary of state, such as described in this act, lettered, and the words "property of Kentucky" stamped on two thousand five hundred, and that fact being certified by the secretary of state, and approved by the governor, the auditor shall issue his warrant in favor of the commissioners for the amount due, estimating the volume at four dollars, which shall be in full for the services of said commissioners rendered and to be rendered.

§ 5. To enable the commissioners to purchase the paper and other materials, and to pay in part the expenses of publishing said digest, the auditor is directed to issue his warrant on the treasurer, in favor of the commissioners, for three thousand dollars; which sum is to be in part pay of the three thousand volumes, when delivered.

§ 6. In addition to the persons and officers by law entitled to a copy of the Revised Statutes, one copy shall be given and distributed by the secretary of state to the late acting governor of Kentucky, to each senator and representative of the general assembly of the present session, and to the presiding officer of the senate, and the officers of each house.

§ 7. In the publication of the Revised Statutes, the commissioners are directed, in cases where there are two sections the same, and where there are two conflicting sections, to strike out one of them, upon submitting the matter to the governor, and obtaining his consent.

And the question being taken on concurring in said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Conn, were as follows, viz:

Those who voted in the affirmative, were

Joseph S. Conn,	Isaac P. Miller,	James F. Robinson,
William A. Hooe,	Thompson S. Parks,	John D. Taylor,
Martin D. McHenry,	William Preston,	John J. Thomasson—9.

Those who voted in the negative, were

Sidney M. Barnes,	John Cunningham,	James P. Orr,
Henry G. Bibb,	Ben. Hardin,	Jefferson Percifull,
Eli Bozarth,	Preston H. Leslie,	John Shawhan,
William Bradley,	Lewis L. Mason,	Shelby Stone,
Abram I. Caldwell,	Reuben Munday,	John C. Walker—16.
Radford M. Cobb,		

Mr. Walker, from the committee on Finance, reported a bill for the benefit of Ben Hardin, former Secretary of State.

Which bill was read the first time, and ordered to be read a second time.

On motion of Mr. Hardin, the report of a majority of the committee accompanying said bill, was ordered to be spread on on the Journal.

Said report is as follows:

The committee on Finance, to whom was referred the leave given by the senate to bring in a bill for the benefit of Ben. Hardin, report: That

in 1844, governor Owsley appointed Ben. Hardin secretary of state; that at the next session of the general assembly, the governor nominated the said Hardin, as secretary of state, to the senate, for the advice and consent of the senate; that the senate did advise and consent to said nomination, and a commission issued to said Hardin, as secretary of state; that he continued to perform, by himself and assistant, the duties of secretary, until September, 1846, when governor Owsley entered an order on the executive journal that Mr. Hardin had abandoned the office of secretary, and, in consequence thereof, he appointed Mr. Kinkead, secretary of state. In a few days afterwards Mr. Hardin returned to Frankfort and attempted to enter the secretary's office, and was forbidden by the governor to enter. Mr. Hardin alleged that he had not abandoned his office; that two of his negro men had got into a fight, and one had stabbed the other and had fled, and that he had pursued his negro to the counties of Hardin, Larue, Hart, Grayson, Breckinridge, and Meade, until he ascertained he had crossed the Ohio at Leavenworth, and made his escape into Indiana; and that he had lost his negro by not having it in his power to make as fresh pursuit, as he would have done had he not been at Frankfort discharging the duties of the office of secretary.

The committee would here remark, that said Hardin has ultimately lost his negro, as they are informed.

Mr. Hardin, on the first day of October, 1846, applied to the auditor for a warrant on the treasurer for his quarter's salary, due the last day of September, 1846. The auditor offered him a warrant for what was due up to the date of the order of removal entered on the executive journal by the governor. Mr. Hardin refused the warrant, as offered by the auditor, and declared he would try the power of the governor to remove him. Mr. Hardin, in October, 1846, by his counsel, Messrs. Harlan and Stevenson, applied to the Franklin circuit court for a *mandamus* against the auditor, requiring him to show cause why he had not issued his warrant for the full quarter's salary. The court granted the order. After it was served, the auditor, by the attorney general, made his response to said order, stating he was willing to issue his warrant for what was due up to the removal, as made by the governor, and exhibited the executive journal; and that for the balance of the quarter's salary, he was unwilling to issue his warrant. To this response Mr. Hardin demurred. The demurer presented to the court the single question of the power of the governor to remove the secretary. The cause was argued at great length by Messrs. Harlan and Stevenson, for Hardin, and the attorney general for the auditor. The court took time to consider until the next term, which was in April, 1847.

The governor, at the commencement of the session of the general assembly, laid the nomination of Mr. Kinkead before the senate, and stated at full length his reasons for removing Mr. Hardin. The senate ordered a large number of copies of the message to be printed. Copies of said message were laid on the tables of the members of the legislature, and numbers of them were distributed over the state. The committee examined Jas. Harlan and A. G. Hodges, on oath, who stated the reasons and causes alleged by the governor for the removal of Mr. Hardin had been, in different numbers of the *Courier*, advocated, and copies of those numbers had been kept and laid on the tables of the members. Also, the

Courier had been widely circulated throughout the state, and was calculated to prejudice public sentiment against Mr. Hardin. Those gentlemen also stated, that after these publications, made in the Courier, and circulated in 1846, it was deemed expedient and advisable by Mr. Hardin and his friends, that Messrs. Harlan and Stevenson should write out their speeches and have them printed in pamphlet form, and copies laid upon the tables of the members. This advice was pursued.

The message of the governor was referred to the committee on executive affairs; and, on account of the magnitude of the question involved in the communication of the governor, two gentlemen, learned in the law, to-wit: Messrs. Butler and Wall, were added to the committee.

The committee, early in January, commenced its sessions, and spent eight or ten days in examining witnesses, and then the arguments of Messrs. Hardin and Kinkead were heard at great length. The committee took time to consider the questions involved. After two or three weeks the committee made a report against the power of the governor to remove the secretary, which was concurred in by the senate. As soon as the decision was made in favor of Mr. Hardin, he resigned the office of secretary, to show the world that he had contended for the office not for the sake of the office, but for his reputation as a man, for his political rights as a citizen and public officer, and to vindicate the violated constitution of Kentucky. Like Hampden in the reign of Charles the First, he contended for the principles of liberty secured by the laws and constitution of Great Britain, against high handed acts of official tyranny and oppression. After the trial was over in the senate, Mr. Hardin, by the advice of his friends, as the cause was yet in court, wrote out his speech and had it printed in pamphlet form, copies presented to each of the members of the general assembly, and also some copies circulated over the United States.

The committee further report, that in April, 1847, the circuit court awarded a peremptory *mandamus*, from which decision, the attorney general took an appeal to the court of appeals. The judgment of the circuit court was affirmed in the court of appeals.

Thus it turned out, that the senate, circuit court, and court of appeals all decided against the power of the governor to remove the secretary of state. Messrs. Harlan and Hodges both state that they considered that Mr. Hardin's defense required of him to do what he did, and that a prudent man would have made the defense he did.

The committee further report, that Mr. Hardin was forced to expend the following sums of money: \$100 paid for his counsel; \$243 17 to Hodges, for printing; and \$105 to witnesses, for their travelling expenses and board, while detained in Frankfort, which was during the trial before the senate, until its final decision. The whole sum expended by Mr. Hardin stands thus:

Paid to Counsel,	-	-	-	-	-	-	\$ 100 00
Paid to Hodges, for printing,	-	-	-	-	-	-	243 17
Expenses of witnesses,	-	-	-	-	-	-	105 00
							<hr/>
							\$ 448 17
Credit by the cost collected,	-	-	-	-	-	-	7 50
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							\$ 440 67

The question comes fairly up for the decision of the legislature of Kentucky—will Kentucky permit one of her citizens and public officers to be unjustly harassed and prosecuted by the chief magistrate of the state, and compelled to expend large sums of money, and have no redress? The committee consider the question settled, that when one of the chief officers of the state or United States, in the discharge of his supposed official duties, shall prosecute and unjustly oppress one of the citizens of the state or United States, that the government is bound to indemnify the injured and oppressed man.

The attention of the senate is invited to the fine imposed on Matthew Lyon, by a judge of Vermont, for violating the sedition laws of John Adams, which the United States refunded to Mr. Lyon; also, to the case of a fine imposed by a judge of Louisiana on General Jackson; and likewise the case of General Adair, who recovered of General Wilkinson, who arrested him as a Burr-ite, by order of the president of the United States. The judgment was three thousand dollars, and congress paid it. A majority of the committee are of opinion that Mr. Hardin is entitled to relief, and therefore report a bill.

An act for the benefit of Ben. Hardin, late secretary of state :

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be, and he is hereby directed to draw his warrant upon the public treasury, in favor of Ben. Hardin, for four hundred and forty dollars and sixty-seven cents, which sum is hereby appropriated to him as an indemnity for his costs expended in defense of himself against the efforts of William Owsley, late governor of Kentucky, to expel him from the office of secretary of state.

A message was received from the House of Representatives, announcing that they had concurred in a resolution from the Senate fixing a day for the final adjournment of the Legislature.

A message in writing was received from the Governor, by Mr. Meriwether, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up and read as follows, viz :

EXECUTIVE DEPARTMENT, }
January 7, 1852. }

Gentlemen of the Senate :

I nominate, for your advice and consent, Willis A. Kennedy, to be notary public for Kenton county; Michael Murphy, notary public for Jefferson county; Thomas B. Cochran and Thomas W. Brown, to be notaries public for Shelby county.

L. W. POWELL.

Resolved, That the Senate advise and consent to said appointments.

The Speaker laid before the Senate the annual report of the President of the Louisville Turnpike Company, which is as follows, viz :

An abstract of the receipts and disbursements of the Louisville Turnpike Company, from the 1st of January, 1851, to 31st December, 1851, inclusive, to-wit:

DEBITS.	
To amount of tolls received from stages, toll-gates, permits, &c., to 30th June, 1851,	\$ 6,567 65
To amount of tolls received from stages, toll-gates, permits, &c., to 31st December, 1851,	6,356 45
Total debits,	<u>\$ 12,924 10</u>

CREDITS.	
June 30. By amount paid out for repairs, salary of gate-keepers, president, treasurer, and three per cent. dividend on one thousand shares of stock, together with \$417 60, in part of a balance of \$1,756 77, due for repairs last six months,	\$ 6,567 65
Dec. 31. By ditto, ditto, including \$723 74 of previous balance, leaving \$615 33 thereof still due,	6,356 45
	<u>\$ 12,924 10</u>

JANUARY 5th, 1852.

LEVI TYLER, *President and Treasurer.*

To the Honorable, the General Assembly of the Commonwealth of Kentucky:

The above is a correct statement of the receipts and disbursements of the Louisville Turnpike Company, for the period therein stated, and is now forwarded to you by order of the president and managers of said company.

Very respectfully, yours, &c.,

LEVI TYLER,

President and Treasurer.

To Hon. JOHN B. THOMPSON,

Speaker of the Senate.

At fourteen minutes past 12 o'clock A. M., Mr. Conn moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Mason and Cunningham, were as follows, viz:

Those who voted in the affirmative, were

Sidney M. Barnes,	John Cunningham,	Jefferson Percifull,
Eli Bozarth,	Ben. Hardin,	William Preston,
William Bradley,	William A. Hooe,	James F. Robinson,
Radford M. Cobb,	Preston H. Leslie,	John C. Walker—14.
Joseph S. Conn,	James P. Orr,	

Those who voted in the negative, were

Henry G. Bibb,	Reuben Munday,	Shelby Stone,
Abram I. Caldwell,	Thompson S. Parks,	John D. Taylor,
Martin D. McHenry,	John Shawhan,	John J. Thomasson—10.
Isaac P. Miller,		

And then the Senate adjourned.

Jan. 7.

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JOURNAL OF THE SENATE.

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FRIDAY, JANUARY 9, 1852.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz:

An act to authorize the annexation of the town of Portland to the city of Louisville.

An act to provide for compensation to extra clerks.

A message in writing was received from the Governor by Mr. Meriwether, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
FRANKFORT, Jan. 7, 1852. }

Gentlemen of the Senate:

I nominate for your advice and consent, Robert J. Elliott, Nathaniel Wolfe, Robert Tyler, and Joseph B. Kinkead, to be Notaries Public for the county of Jefferson.

L. W. POWELL.

Resolved, That the Senate advise and consent to said appointments.

A message was received from the House of Representatives, announcing that they had adopted resolutions in relation to the Penitentiary.

Said resolutions were taken up, and read as follows.

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That the secretary of state be and he is hereby added to the board of visitors, appointed by an act, approved February 18, 1848, to visit stat-
edly and examine into the affairs of the penitentiary.

2. *Resolved*, That the commissioners of the sinking fund be and they are hereby directed, in pursuance of the power already vested in them by law, to direct and contract for the necessary improvements for the ven-
tilation and safety of the cells of the penitentiary, and for the erection of a new and suitable hospital in said institution.

Mr. Hardin moved to lay said resolutions on the table.

And the question being taken thereon, it was decided in the affirma-
tive.

The yeas and nays being required thereon by Messrs. Hardin and Stone, were as follows, viz:

Those who voted in the affirmative, were

Henry G. Bibb,	Ben. Hardin,	Reuben Munday,
Thomas J. Blincoe,	William A. Hooe,	John Shawhan,
William Bradley,	Preston H. Leslie,	Thomas J. Smith,
Richard D. Gholson,	Martin D. McHenry,	Shelby Stone—12.

Those who voted in the negative, were

Abram I. Caldwell,
Joseph S. Conn,
John A. Goodson,

Thomas N. Lindsey,
John G. McFarland,
Isaac P. Miller,

James P. Orr,
Thompson S. Parks,
John J. Thomasson—9.

On motion of Mr. Shawhan, leave was given to withdraw the petition of sundry citizens of Harrison county, in relation to raising money for railroad purposes.

Mr. Bradley (the chair being temporarily occupied by Mr. McHenry,) moved the following resolution, viz :

Resolved, That the thanks of the Senate is hereby tendered to the Hon. John B. Thompson, Lieutenant Governor, for the able, dignified, and impartial manner in which he has presided over the Senate, during the present session.

Which was unanimously adopted.

Mr. Lindsey from a select committee, reported a bill to provide for the publication of the revised statutes, and other laws.

Which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hooe moved the following, resolution, viz :

Resolved, That the thanks of the senate be and they are hereby given to the secretary, assistant secretary, sergeant-at-arms, and door-keeper of the senate, for the industry, fidelity, and skill, with which they have severally performed their duties.

Which was unanimously adopted.

Mr. Conn moved the following resolution, viz :

Resolved, That the thanks of the Senate be extended to the several Ministers of the Gospel, who have opened the Senate with prayer during the present session.

Which was unanimously adopted.

Mr. Thomasson, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz :

An act to incorporate the General Association of Baptists in Kentucky.

An act to incorporate Devotion Lodge, No. 160, of Free and Accepted Masons.

An act to change the time of holding the quarterly courts for the county of Bath.

An act to incorporate the Versailles and Woodford Railroad Company.

An act to authorize the trustees of the town of Uniontown to license coffee houses

An act to regulate the roads in Knox county.

An act for the benefit of Jarvis Jackson, of Laurel county.

An act to establish a part of the line between the counties of Lawrence, Pike, and Floyd.

An act to provide for and secure the registration of births, deaths, and marriages, in Kentucky.

An act to charter the Mountsterling and Paris Railroad Company.

An act to increase the powers of the Marshal of New Liberty.

An act changing the time of holding the quarterly terms of the County Judge of Wayne.

An act giving additional powers to the trustees of Richmond.

An act allowing public arms to the Kentucky Military Institute, and Western Military Institute.

An act to change the line of Clay and Harlan counties.

An act to incorporate the Pikeville Turnpike Road Company.

An act for the benefit of Milton Johnson, and others.

An act to authorize the appointment of persons to serve process in the Justices' Court of the city of Louisville.

An act to incorporate the Danville, Somerset, and Knoxville Railroad Company.

An act to incorporate the Union Agricultural and Mechanical Association.

An act to incorporate the Hall of Simpson Benevolent Lodge, No. 177, Ancient Free and Accepted Masons.

An act to amend the act incorporating the town of Mountsterling, and to provide for the appointment of a watchman for said town, and for the county of Montgomery.

An act for the benefit of the infant children of Alexander Hammond, deceased.

An act to authorize the election of a Police Judge, Marshal, and Tax Commissioner in the town of Columbus.

An act for the benefit of William S. Parker, late sheriff of Lewis county.

An act for the benefit of James M. Todd, sheriff of Lewis county.

An act to provide for the compensation of the commissioners on the Code of Practice.

An act to amend the charter of the city of Augusta.

An act for the benefit of the sheriff of Mason county.

An act to incorporate the German Protestant Asylum Company.

An act to define the boundary of the city of Louisville.

An act for the benefit of John Crume.

An act to authorize the sale of the Methodist parsonage in Salvisa, Mercer county.

An act declaring certain newspapers authorized to publish legal advertisements.

An act to incorporate the town of Sharpsburg.

An act to authorize the sale of parsonages in Green and Muhlenburg counties.

An act to amend the charter of the Danville and Hustonsville Turnpike Road company.

An act to authorize the annexation of the town of Portland to the city of Louisville.

And enrolled bills which originated in the House of Representatives, of the following titles, viz :

An act to charter the Kentucky and Virginia Railroad Company.

An act allowing an additional Magistrates' and Constable's district in Pulaski county.

An act to incorporate Crittenden Division, No. 17, Sons of Temperance..

An act to authorize the clerks of the Nelson and Washington County Courts to cross index certain records.

An act in relation to the Louisville and Portland Railroad.

An act to create the offices of Police Judge and Marshal in the town of Greenville, in Muhlenburg county.

An act to allow the guardians of the Louisville city Alms House to apprentice certain poor children.

An act authorizing the County Judge of Oldham to alter Lagrange district.

An act creating a new district in the county of Pike.

An act to incorporate the Williamstown and Falmouth Turnpike or Plank Road Company.

An act to incorporate the town of Kiddville, in the county of Clarke.

An act to incorporate the Lexington and Big Sandy Railroad Company.

An act to amend an act, entitled, an act to incorporate the Nashville and Cincinnati Railroad Company.

An act authorizing the establishing of a road in Morgan county.

An act to amend the charter of the town of Bowlinggreen.

An act changing the county and quarterly courts of Perry and Letcher counties.

An act for the benefit of the Bowlinggreen and Tennessee Railroad Company.

An act to incorporate Compass Lodge, No. 223, of Free and Accepted Masons.

An act for the benefit of the Fleming County Court.

An act to establish an additional Justices' district in McCracken county.

An act to incorporate Union Division, No. 42, Sons of Temperance.

An act to change Justices' district No. 2, Spencer county.

An act appropriating the revenue of Muldrow's Hill Turnpike Road to Taylor county.

An act to amend the boundary of Justices' district No. 3, in Taylor county.

An act to authorize the Judge of the Spencer Circuit Court to administer the oath of office, in vacation, to a deputy clerk.

An act to incorporate the New Orleans and Ohio Railroad Company.

An act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad, and the act amending the same, approved March 20, 1851.

An act to charter the Lexington and Kentucky river Railroad Company.

An act to incorporate the Newport and Maysville Railroad Company.

An act to establish the Police Court of Hillsborough, in Fleming county.

An act to authorize the County Court of Bracken to discontinue the state road from Augusta to Brooksville.

An act for the benefit of the 6th Road district in Kenton county.

An act for the benefit of the Taylor's Mill Turnpike Road Company.

An act to change the line of Justices' district No. 1, in Laurel county.

An act for the benefit of the Sheriff of Anderson county.

An act concerning the road and bridge fund of Whitley county.

An act to incorporate Warsaw Division, No. 59, Sons of Temperance.

An act to incorporate Napoleon Division, No. 260, Sons of Temperance.

An act declaring Wolf creek navigable.

An act for the benefit of Benjamin F. Maxfield, of Boone county.

An act for the benefit of the town of Danville.

An act to incorporate Herman Lodge, No. 17, I. O. O. F., Louisville.

An act to change the boundary of Magistrates' and Constable's district No. 4, in Breckinridge county.

An act fixing the time of holding the court of claims in Fayette county, and certain terms of the Jessamine County Court.

An act to change a road in Simpson county.

An act for the benefit of the late sheriffs of Taylor and Oldham counties.

An act to establish a Tobacco Inspection at Paducah.

An act to incorporate the Kentucky River Navigation Company.

An act to change the mode of working roads in Daviess county.

An act to incorporate the Covington Library Association, and to amend an act, approved December, 1830, incorporating the Madison Library Company.

An act to incorporate the Paducah Farmers Tobacco Warehouse.

An act to incorporate the Turkey Foot Turnpike Road Company.

An act to incorporate the Frankfort Woolen Company.

An act to amend an act, entitled, an act to amend the revenue laws, approved February 10, 1845.

An act to amend the charter of the Frankfort and Lawrenceburg Turnpike Road Company.

An act to establish a tobacco inspection at Paducah.

An act to change the boundary line of Justices' district No. 8, in Daviess county.

An act authorizing the Judge of the Pendleton County Court, to alter or change any election, or justices' district, or place of voting, in said county.

An act to amend the charter of the Nicholasville and Jessamine Turnpike Road Company.

An act to amend the charter of the Augusta, Cynthiana, and Georgetown Turnpike Road Company.

An act amendatory of an act to incorporate the Danville, Somerset, and Knoxville Railroad Company.

An act for the benefit of Harry Stratton.

An act to create the office of Police Judge and Marshal in the town of Mount Vernon.

An act fixing the rates of toll on Muldrow's Hill, and to provide for collecting the same.

An act to charter the Knob Lick Turnpike Road Company.

An act to incorporate North Middletown Royal Arch Chapter, No. 26, and Morrison Lodge, No. 103, of Free and Accepted Masons.

An act declaring Robinson's creek a navigable stream.

An act to meet the deficit in the treasury.

An act for the benefit of district No. 4, in Grant county.

An act in relation to the blind children in Kentucky.

An act to change the voting place in district No. 3, in Hart county.

An act to repeal an act, entitled, an act to empower the trustees of Williamsburg to sell a part of a street in said town.

An act to change the time of holding the August term of the Laurel quarterly court.

An act concerning Common Schools in the city of Louisville.

An act to incorporate the Licking river Navigation Company.
An act for the benefit of the sheriffs of Owen and Bracken counties.
An act for the benefit of the Maysville and Mountsterling Turnpike Road Company.

An act to incorporate the Daniel Boone Division, No. 35, Sons of Temperance.

An act to amend the charter of the Winchester and Paris Turnpike Road Company.

And had found the same truly enrolled.

Said bills having been signed by the speaker of the House of Representatives, the speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Thomasson reported that the committee had performed that duty.

A message was received from the Governor, by Mr. Meriwether, Secretary of State, announcing that he had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the Commercial Bank of Paducah.

An act concerning certain public books.

An act to change the line of the Justices' and Constables' districts Nos. 1 and 3, in Green county.

An act for the benefit of Samuel Woodson, late Clerk of the Hopkins Circuit Court.

An act to add the residence of George Spegall, in Pendleton county, to the county of Kenton.

An act to amend an act, entitled, an act to provide for the sale of Island No. 4, in the Mississippi river, approved February 29, 1848.

An act to establish an additional Justices' district and election precinct in Nicholas county.

An act for the benefit of Samuel P. Lasley, and Mary his wife.

An act to establish an election precinct in Keysburg, in Logan county.

An act to establish the town of Stylesville, in Pulaski county.

An act further to regulate the town of Mount Gilead, in Pulaski county.

An act to create an additional Constable's and Justices' district in Hickman county.

An act to incorporate the Owingsville and Poplar Plains Turnpike Road Company.

An act to change the boundaries of certain election precincts in Trigg county, and for other purposes.

An act authorizing the Russell County Court to sell clerk's office furniture.

An act to incorporate the Louisville Farmers Tobacco Warehouse Company.

An act to amend an act regulating the town of Salvisa, in Mercer county, approved February 9, 1828.

An act for the benefit of Monroe county.

An act establishing additional voting places in Kenton and Campbell counties.

An act to incorporate the Owingsville and Mountsterling Turnpike Road Company.

An act for the benefit of George S. Gravit, late Sheriff of Grant county.

An act to incorporate the town of Sparta, in Owen county.

An act to change the time of holding Justices' courts in the county of Bracken.

An act to enlarge Magistrates' and Constable's district No. 2, in Hopkins county.

An act to incorporate the Franklin Female Institute.

An act to re-establish a portion of the line between the counties of Hickman and Graves.

An act for the benefit of the Covington and Lexington Railroad Company.

An act to incorporate Pleasant Grove Division, No. 253, in Trimble county.

An act for the benefit of common school districts in this commonwealth.

An act to authorize the County Court of Simpson to take and hold stock in a railroad or railroads.

An act to amend an act, entitled, an act to establish the town of Brooklyn, in Campbell county, approved February 27, 1849.

An act to authorize the county of Graves to hold railroad stock.

An act for the benefit of common school district No. 34, at Petersburg.

Approved January 3, 1852.

An act to divide Hopkins county into seven Magistrates' and Constables' districts.

Approved January 5, 1852.

An act supplemental to an act to amend an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850, and for other purposes.

An act for the benefit of school districts Nos. 28 and 29, in Mercer county.

An act to incorporate the Frankfort and Midway Turnpike Company.

An act to authorize the County Court of Daviess, and other counties so disposed, to subscribe stock in the Louisville and Mississippi

Railroad Company, and in the Louisville and Nashville Railroad Company.

An act to amend an act, entitled, an act to charter the town of Simpsonsville, in Shelby county.

An act for the benefit of the Louisville and Oldham Turnpike Road Company.

An act for the benefit of school district No. 29, in Owen county.

An act for the benefit of the Clerk of the Hardin Circuit Court.

An act for the benefit of the administrator of Dixon Givens, deceased.

An act to establish a sinking fund for the county of Bourbon, and to provide for the appointment of commissioners therefor.

An act to amend an act, entitled, an act to incorporate the Georgetown and Louisville Branch Railroad.

An act to authorize the county of Henry to subscribe stock in the Louisville and Covington Railroad.

An act to amend the charter of the Covington and Lexington Railroad Company.

An act allowing an additional Magistrates' and Constable's district in Morgan county.

An act to incorporate the Phoenix Insurance Company, at Lexington.

An act for the benefit of the Police Judges of the towns of Hickman and Owenton.

An act to incorporate Mills' Point Lodge, No. 120, of Free and Accepted Masons.

An act for the appropriation of money.

An act fixing the time of holding the circuit courts in the 12th judicial district.

An act to incorporate the Baptist Church of Lancaster, Garrard county.

An act to legalize surveys in Knox and Clay counties.

An act requiring the Clerk of the Mercer Circuit Court to index and cross index certain record books.

An act calling a convention in the city of Newport.

An act to amend an act incorporating certain turnpike roads in Garrard county.

An act to allow a Police Judge and Town Marshal to the town of Cornishville, in Mercer county.

An act in relation to the Harrodsburg, Cane Run, and Big Spring Turnpike Road Company.

An act to authorize the Oakland plank road company to construct a branch road.

An act giving Julius Hacker, Sheriff of Owsley county, further time to return his delinquent list.

A resolution authorizing the Clerks of the Senate and House of Representatives to employ assistants.

An act changing the time of holding the Estill and Franklin Circuit Courts.

An act for the benefit of the Deaf and Dumb Asylum of Kentucky.

An act explanatory of an act approved March 24, 1851, entitled, an act to charter the city of Louisville.

An act to amend an act to take the sense of the people of Owsley county, for the purpose of changing the county seat of said county.

An act to repeal all laws authorizing the County Court of Perry county to remove the mill dam of James Johnston across the Middle Fork of the Kentucky river. Approved January 7, 1852.

An act to provide for compensation to extra clerks.

An act to provide for the annexation of the town of Portland to the city of Louisville.

An act to provide for an additional Magistrates' district, No. 9, in Caldwell county.

An act to establish and incorporate the town of Bloomington, in Franklin county.

An act to authorize the sale of parsonages in Green and Muhlenburg counties.

An act for the benefit of Jarvis Jackson, of Laurel county.

An act to provide for the registration of births, deaths, and marriages in Kentucky.

An act to incorporate Devotion Lodge, No. 160, of Free and Accepted Masons.

An act to incorporate the General Association of Baptists in Kentucky.

An act to incorporate the Versailles and Woodford County Railroad Company.

An act to provide for the compensation of the commissioners on the code of practice.

An act to authorize the trustees of the town of Uniontown to license coffee-houses.

An act to establish a part of the line between the counties of Lawrence, Pike, and Floyd.

An act to regulate the roads of Knox county.

An act declaring certain newspapers authorized to publish legal advertisements.

An act for the benefit of James M. Todd, Sheriff of Lewis county.

An act for the benefit of Wm. S. Parker, late Sheriff of Lewis county.

An act to authorize the election of a Police Judge, Marshal, and a Tax Commissioner in the town of Columbus.

- An act for the benefit of the children of Alexander Hammond, dec'd.
- An act to amend the act incorporating the town of Mountsterling, and to provide for the appointment of a watchman for the said town, and for the county of Montgomery.
- An act to incorporate the Hall of Simpson Benevolent Lodge, No. 177, Ancient Free and Accepted Masons.
- An act to incorporate the Union Agricultural and Mechanical Association.
- An act to amend the charter of the Louisville and Frankfort Railroad Company.
- An act for the benefit of John Crame.
- An act allowing public arms to the Kentucky Military Institute and Western Military Institute.
- An act changing the time of holding the quarterly terms of the County Judge of Wayne.
- An act giving additional powers to the trustees of Richmond.
- An act to increase the powers of the Marshal of New Liberty.
- An act to charter the Mountsterling and Paris Railroad Company.
- An act to incorporate the Danville, Somerset, and Knoxville Railroad Company.
- An act for the benefit of Milton Johnson, and others.
- An act to amend the charter of the city of Augusta.
- An act to authorize the appointment of persons to serve process in the justices' courts of the city of Louisville.
- An act to incorporate the town of Sharpsburg.
- An act to change the time of holding the quarterly courts for the county of Bath.
- An act for the benefit of the Sheriff of Mason county.
- An act to change the line of Clay and Harlan counties.
- An act to incorporate the Pikeville Turnpike Road Company.
- An act to incorporate the German Protestant Orphan Asylum Company.
- An act to authorize the sale of the Methodist Parsonage, in Salvisa, in Mercer county.
- Approved January 9, 1852.
- A message was received from the House of Representatives, announcing that they had received official information from the Governor, that he had approved and signed enrolled bills, which originated in that House, of the following titles, viz :
- An act to amend the charter of the Perryville and Springfield Turnpike Road Company.
- An act to charter Union Lodge, No. 10, I. O. O. F., Nicholasville.
- An act to fix the time of holding the circuit courts in the 8th judicial district.

An act concerning the public records of the Bracken County Court.

An act to give additional power to the Madison County Court.

An act to incorporate the town of New Haven.

Approved January 3, 1852.

An act incorporating the Napoleon and Big Bone Lick Turnpike Road Company.

An act for the benefit of the town of Dycusburg, in Crittenden county.

An act to authorize the people of Fayette to provide for the erection of a new court house.

An act to incorporate the Lexington and Cumberland Railroad Company.

An act for the benefit of John Riley.

An act to amend the city charter of Covington.

An act incorporating the Peoples' Hydropathic, Literary, and American Reform College of Kentucky.

An act to establish the Parochial School of Elkton, Todd county.

An act for the benefit of the Sheriff of Grant county.

An act to establish the offices of Police Judge and Town Marshal in the town of Milburn, in Ballard county.

An act to allow an additional Magistrates' and Constable's district in Owsley county.

An act repealing the law requiring the Wayne County Court to erect and keep a stray pound.

An act to amend the charter of the Kentucky Female Orphan School.

An act to authorize the town of Columbus to take and hold stock in the Ohio and Mobile Railroad Company.

An act authorizing the Judge of the Hart County Court to hold a July term of said court, and regulate the time of holding the Boyle County Court.

An act to authorize the County Court of McCracken to levy an *ad valorem* tax to build a court house and jail.

An act to amend and reduce into one the several acts relating to the town of Glasgow.

An act to establish the county of Powell.

An act for the benefit of John Bell, jr.

An act making additional voting places in districts Nos. 3 and 7, and changing the place of voting in district No. 4, in Greenup county.

An act for the benefit of the Sheriff of Caldwell county.

An act for the benefit of the Sheriff of Bath county.

An act regulating the fees and duties of the sealer of weights and measures in Jefferson county.

An act to amend an act incorporating the Bardstown Female Academy.

An act to authorize the County Court of Harrison county to borrow money.

An act to authorize the County Court of Allen to re-district election precincts, and establish an additional Justices' district and election precinct in said county.

Resolution respecting salutes on the 8th of January and 22d of February.

Resolution in relation to the inspection of pork, flour, and tobacco, in New Orleans.

An act to incorporate the Crab Orchard and Mount Vernon Turnpike Road Company.

An act incorporating the Louisville locomotive works.

An act to authorize the county of Hickman to take and hold stock in the Ohio and Mobile Railroad Company.

An act for the benefit of the infant heirs of Elisha M. Ford, deceased.

An act to amend an act, entitled, an act to extend the limits of the town of Hopkinsville, approved February 4, 1846.

An act to authorize the town of Paducah to subscribe stock in certain railroads.

An act to incorporate the Newport Fuel Company.

An act to authorize the County Court of McCracken to subscribe stock in certain railroads.

An act to incorporate Albion Female Collegiate Institute.

An act to charter the Hamilton and Union Turnpike Road Company.

An act in relation to the districts in Franklin county.

An act to amend an act, entitled, an act prescribing the means and mode of opening and working roads in Boone county.

An act to incorporate Adams' Fork Lodge, No. 179.

An act to incorporate certain turnpike companies in the county of Garrard.

An act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company.

An act to incorporate the Nashville and Cincinnati Railroad Company.

An act for the benefit of the Kentucky Institution for the Education of the Blind.

An act to incorporate the town of Calhoon, in Daviess county.

An act for the benefit of the Louisville and Covington Railroad Company.

An act for the benefit of Gallatin County Academy, and common school district No. 1, in Carroll county.

An act to charter the Hamilton Turnpike Road Company.

An act to amend an act, entitled, an act to charter the city of Louisville, approved March 24, 1851, and for other purposes.

An act to incorporate the Peoples' Turnpike Road Company.

An act to incorporate the Maysville and Blue Run Plank or Turnpike Road Company.

An act for the benefit of the heirs of James Gay, deceased.

An act authorizing James Haggard to solemnize marriages.

An act for the benefit of the Sheriffs of Henry, Owen, Knox, Perry, and Wayne counties.

An act to extend the corporate limits of the town of Henderson, in Henderson county.

An act to grant certain privileges to the Dutch Ridge Turnpike Road Company.

An act to incorporate the Presbyterial Academy of Greenville.

An act for the benefit of George W. Lewis.

Approved January 7, 1852.

An act for the benefit of the Sheriffs of Owen and Bracken counties.

An act for the benefit of the Maysville and Mountsterling Turnpike Road Company.

An act to change a road in Simpson county.

An act for the benefit of the late Sheriffs of Taylor and Oldham counties.

An act to meet the deficit in the treasury.

An act declaring Robinson's creek a navigable stream.

An act to incorporate the Turkey Foot Turnpike Road Company.

An act to incorporate the Paducah Farmers Warehouse Company.

An act to incorporate the Covington Literary Association, and to amend an act approved December, 1830, incorporating the Madison Library Company.

An act to incorporate Daniel Boone Division, No. 35, Sons of Temperance.

An act to amend the charter of the Winchester and Paris Turnpike Road Company.

An act to change the boundary line of Justices' district No. 8, in Daviess county.

An act authorizing the Judge of the Pendleton County Court to alter or change any election or Justices' district or place of voting in said county.

An act to establish a tobacco inspection at Paducah.

An act fixing the rate of toll on Muldrow's Hill, and to provide for collecting the same.

An act to create the offices of Police Judge and Marshal of the town of Mount Vernon.

An act to incorporate North Middletown Royal Arch Chapter, No. 26, and Morrison Lodge, No. 103, of Free and Accepted Masons.

An act to charter the Knob Lick Turnpike Road Company.

An act amendatory of an act to incorporate the Danville, Somerset, and Knoxville Railroad Company.

An act for the benefit of Harry Stratton.

An act to amend the charter of the Nicholasville and Jessamine Turnpike Road Company.

An act to amend the charter of the Augusta, Cynthiana, and Georgetown Turnpike Road Company.

An act to incorporate Warsaw Division, No. 59, Sons of Temperance.

An act declaring Wolf creek a navigable stream.

An act to change the mode of working roads in Daviess county.

An act to amend an act, entitled, an act to amend the revenue laws, approved February 10, 1845.

An act to amend the charter of the Frankfort and Lawrenceburg Turnpike Road Company.

An act to change the voting place in district No. 3, in Hart county.

An act to repeal an act, entitled, an act to empower the trustees of Williamsburg to sell a part of a street in said town.

An act in relation to the blind children of Kentucky.

An act for the benefit of district No. 4, in Grant county.

An act to incorporate the Kentucky River Navigation Company.

An act to change the time of holding the August term of the Laurel quarterly county court.

An act concerning common schools in the city of Lexington.

An act to incorporate the Licking River Navigation Company.

An act fixing the time of holding the Court of Claims in Fayette county, and certain terms of the Jessamine County Court.

An act to change the boundary of Magistrates' and Constable's district No. 4, in Breckinridge county.

An act for the benefit of the town of Danville.

An act to incorporate Herman Division, No. 17, I. O. O. F.

An act to incorporate Napoleon Division, No. 260, Sons of Temperance.

An act for the benefit of Benjamin F. Maxfield, of Boone county.

An act concerning the road and bridge fund of Whitley county.

An act for the benefit of the Sheriff of Anderson county.

An act for the benefit of the Taylor's Mill Turnpike Road Company.

An act to change the lines of Justices' district No. 1, in Laurel county.

An act for the benefit of the 6th road district in Kenton county.

An act to authorize the County Court of Bracken to discontinue the state road from Augusta to Brooksville.

An act to establish the Police Court of Hillsboro', in Fleming county.

An act to incorporate the Frankfort Woollen Company.

An act appropriating the revenue of Muldrow's Hill turnpike road to Taylor county.

An act to change Justices' district No. 2, in Spencer county.

An act to amend the boundary of Justices' district No. 3, in Taylor county.

An act to authorize the Judge of the Spencer Circuit Court to administer the oath of office in vacation to a deputy clerk.

An act for the benefit of the Fleming County Court.

An act to establish an additional Justices' district No. 7, in McCracken county.

An act to incorporate Crittenden Division, No. 17, Sons of Temperance.

An act to incorporate the Lexington and Kentucky River Railroad Company.

An act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, and the act amendatory of the same, approved March 20, 1851.

An act to charter the Kentucky and Virginia Railroad Company.

An act to amend the charter of the town of Bowlinggreen.

An act changing the county and quarterly courts of Perry and Letcher counties.

An act for the benefit of the Bowlinggreen and Tennessee Railroad Company.

An act to incorporate Compass Lodge, No. 223, of Free and Accepted Masons.

An act authorizing the establishment of a road in Morgan county.

An act to amend an act, entitled, an act to incorporate the Nashville and Cincinnati Railroad Company.

An act creating a new district in the county of Pike.

An act to allow the guardians of the Louisville City Alms House to apprentice certain poor children.

An act authorizing the County Judge of Oldham to alter Lagrange district.

An act to incorporate the town of Kiddville, in Clarke county.

An act to incorporate the Newport and Maysville Railroad Company.

An act to create the offices of Police Judge and Marshal in the town of Greenville, in Muhlenburg county.

An act to incorporate Union Division, No. 42, Sons of Temperance.

An act in relation to the Louisville and Portland Railroad.

An act to authorize the clerks of the Nelson and Washington County Courts to cross index certain records.

An act allowing an additional Magistrates' and Constable's district in Pulaski county.

An act to incorporate the Williamstown and Falmouth Turnpike or Plank Road Company.

An act to incorporate the Lexington and Big Sandy Railroad Company.

An act to incorporate the New Orleans and Ohio Railroad Company.

Approved January 9, 1852.

A message was received from the House of Representatives, by Mr. McNary, informing the Senate of their readiness to adjourn *sine die*, having finished their legislative business, and that they had appointed a committee on their part to wait on the Governor, and know of him whether he has any further communication to make to the General Assembly, and requesting the appointment of a similar committee on the part of the Senate.

Whereupon, Messrs. Bradley, McHenry, and Orr were appointed a committee on the part of the Senate.

Ordered, That Mr. McHenry inform the House of Representatives that the Senate having finished their legislative business, is ready to adjourn *sine die*, and that the Senate has appointed a committee on their part, to act in conjunction with a similar committee on the part of the House of Representative, to wait upon the Governor, and know of him whether he has any further communication to make to the General Assembly.

Said committee retired, and after a short time, Mr. Bradley reported that the joint committee had waited upon the Governor, and were informed by him, that he had no further communication to make to the General Assembly.

Whereupon, the Speaker of the Senate having delivered an appropriate address, adjourned the Senate *side die*.

At 10 o'clock the House assembled in the Chamber of Deputies. The Honorable Charles F. Smith, Speaker of the House, presided. The Honorable John A. Caldwell, Secretary of the House, read the minutes of the previous day's session. The Honorable Charles F. Smith then announced that the House had adopted the following resolution:

Resolved, That the House do pass the bill for the relief of the estate of John A. Caldwell, deceased, and the bill for the relief of the estate of John A. Caldwell, deceased, and the bill for the relief of the estate of John A. Caldwell, deceased.

The House then proceeded to the consideration of the bill for the relief of the estate of John A. Caldwell, deceased. The Honorable Charles F. Smith announced that the bill had been read twice and that it was now ready for the third reading. The House then proceeded to the third reading of the bill. The bill was then passed by a vote of 100 yeas and 0 nays.

The House then proceeded to the consideration of the bill for the relief of the estate of John A. Caldwell, deceased. The Honorable Charles F. Smith announced that the bill had been read twice and that it was now ready for the third reading. The House then proceeded to the third reading of the bill. The bill was then passed by a vote of 100 yeas and 0 nays.

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